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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BELCALIS MARLENIS ALMÁNZAR,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	FILE NO. 1:19-CV-01301-WMR
LATASHA TRANSRINA KEBE and)	
KEBE STUDIOS LLC,)	
)	JURY TRIAL
Defendants.)	
_____)	VOLUME IX OF X

BEFORE THE HONORABLE WILLIAM M. RAY, II

TRANSCRIPT OF PROCEEDINGS

JANUARY 24, 2022

*Proceedings recorded by mechanical stenography
and computer-aided transcript produced by*

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Monday Morning Session

January 24, 2022

9:30 a.m.

- - -

P R O C E E D I N G S

COURTROOM SECURITY OFFICER: All rise. United States District Court for the Northern District of Georgia, Atlanta Division, is now in session, the Honorable Judge William M. Ray II presiding.

THE COURT: Thank you. Y'all can be seated, please. All right. Good morning. Is the plaintiff ready to proceed with closing?

MS. MOORE: Yes, your Honor.

THE COURT: All right. Defendant ready?

MS. IZMAYLOVA: Yes, your Honor.

THE COURT: All jurors are here? Okay. You can bring them in. Thank you.

COURTROOM SECURITY OFFICER: All rise.

(Whereupon, the jurors entered the courtroom.)

THE COURT: All right. Y'all can have a seat, please. Thank you. You may proceed.

MS. MOORE: Members of the jury, I want to thank you for your service. My client and our legal team are sincerely appreciative of your careful attention to all the testimony you've heard, the videos you've seen, the documents that have

1 been introduced, much of which is admittedly hard to see and
2 hear.

3 Being a juror is the most important job in modern
4 society, but I'm cognizant that it is highly disruptive of
5 your life. Being away from your families and jobs and lives
6 is very difficult even under the best of circumstances but
7 particularly during a pandemic.

8 Last Monday Judge Ray told you that the parties had
9 decided you were the best jury to decide the case. Based on
10 your diligence, your patience, and your dedication to this
11 process, we now know that our collective instincts were right.

12 So let's talk about why we're here. My co-counsel,
13 Ms. Matz, told you during opening statements this is not a
14 case where defendant said merely hurtful and untrue things or
15 criticized my client or her music. Ms. Matz told you this was
16 not an isolated event, and true to her word the evidence has
17 shown you that for years the defendants have knowingly and
18 intentionally published defamatory statements that are both
19 vile and provably false about my client for profit and to
20 torture her out of spite and have refused to stop, all out of
21 avarice and hate.

22 Ms. Kebe and Kebe Studios under her control
23 purposefully and relentlessly defamed my client by publishing
24 highly offensive despicable falsehoods in videos and written
25 posts that are on social media for the whole world to see.

1 Defendants have repeatedly defamed my client saying
2 that she was or is a prostitute, which is a crime.

3 (Whereupon, a video recording was played.)

4 MS. MOORE: My client testified that she is not nor
5 has she ever been a prostitute. Defendants admitted that they
6 have no evidence to prove that my client is or was a
7 prostitute, and they published this defamatory statement as a
8 statement of fact. They admitted that they made these
9 statements with actual malice, meaning the defendants had
10 actual knowledge of the falsity of the statement or had a
11 reckless disregard for the truth or falsity of the statement.

12 Defendants have also published false and defamatory
13 statements that Cardi uses or has used cocaine, which is a
14 crime. My client has testified that she's never done cocaine.
15 In addition to being a crime punishable by law, my client
16 testified why this false and highly offensive statement that
17 has been repeated by the defendants is so objectionable to
18 her. Cocaine decimated the community that she came from. It
19 is looked down upon in her community. It is very beneath the
20 people from her community. It's not acceptable under any
21 circumstances because of what that drug has done to that
22 community.

23 Defendants admitted they have no evidence to prove my
24 client has ever used cocaine. They've also admitted that they
25 made these statements with actual malice.

1 Defendants also published false and defamatory
2 statements that my client has engaged in adultery, which is a
3 crime.

4 (Whereupon, a video recording was played.)

5 MS. MOORE: My client testified that she's never
6 cheated on her husband. The defendants admitted that they
7 have no evidence to prove my client has ever committed
8 adultery. They also admitted that they've published these
9 statements with actual malice.

10 Defendants have knowingly published false statements
11 that my client appears in a video where a woman is seen
12 committing a debasing act with a beer bottle.

13 (Whereupon, a video recording was played.)

14 MS. MOORE: My client testified that it is not her
15 and the beer bottle. The defendants admitted that they know
16 this is not my client in the video, and they made these
17 statements with actual malice.

18 Defendants have published knowingly false statements
19 that my client has two contagious disorders, namely herpes and
20 HPV, which are sexually transmitted diseases.

21 (Whereupon, a video recording was played.)

22 MS. MOORE: My client testified that she does not
23 have herpes or HPV, and we have introduced negative herpes and
24 HPV test results administered by her doctor at UCLA that you
25 see in front of you.

1 In his opening defense counsel said that this was
2 only an allegation about cold sores said in passing during the
3 Starmarie Jones interview. As the mountain of evidence
4 presented by the plaintiff has shown, this is patently false.
5 We introduced enumerable examples where defendants published
6 statements calling my client herpes B, even though they knew
7 my client had put them on notice the very same day at the
8 Starmarie Jones promo to let them know she did not have
9 herpes. Even though they received three demand letters from
10 three different law firms, even though they know my client's
11 negative test results, they continue to knowingly publish
12 these lies. This is actual malice.

13 All of the defamatory statements made by the
14 defendants about my client are statements of fact, and each
15 one has been proven false. Tasha K testified what she relays
16 to her viewers on a regular basis is that she is publishing
17 facts.

18 (Whereupon, a video recording was played.)

19 MS. MOORE: In his opening statement defense counsel
20 said that everyone is familiar with opinion, but Tasha
21 admitted that she publishes each of the defamatory statements
22 as a statement of fact. She admitted that she did not use the
23 word "opinion." And even if she had, which she did not, that
24 still would not insulate the defendants from liability because
25 these are clearly statements of fact that can be proven false.

1 They are not subjective opinions that cannot be proven false.

2 Mr. Sabbak also said in his opening that Tasha
3 typically investigates all stories before publishing them as
4 either fake news or real news. As you heard Tasha admit, she
5 never published any of the defamatory statements about my
6 client as fake news. She presented them all as facts. He
7 also said that like all good journalists and reporters do,
8 defendants wanted the story, and the reason we are all here is
9 because defendants got the story. We all know that is not the
10 reason we are here.

11 While Tasha calls herself a journalist and says her
12 stories are true in her videos and social media posts, she
13 admitted that she is not a journalist and that she frequently
14 tells viewers lies about various issues, including about
15 whether she has receipts to back up her stories. A good
16 journalist would immediately correct a well-researched but
17 inadvertent mistake and issue a retraction, not knowingly
18 engage in a campaign of defamatory lies for years and years
19 and refuse to retract. This isn't journalism.

20 Defense counsel also said in his opening that you
21 would hear direct evidence that each of the allegations are
22 true. That was also patently false. My client has credibly
23 denied that she is a prostitute, that she's ever done cocaine,
24 that she has herpes or HPV, that she cheated on her husband or
25 that she's engaged in a debasing act with a beer bottle.

1 The defendants admitted that they have no evidence to
2 prove any of the defamatory statements. They have not
3 tendered a single piece of evidence or a single witness to
4 corroborate any of these defamatory statements. They admitted
5 they knew these statements were false when they were published
6 or they had a reckless disregard for the truth of the
7 statements. The defendants did not publish these statements
8 in good faith, these horrible and provably false statements.
9 They did so solely to profit off the lies and to intentionally
10 upset my client.

11 Tasha admitted she was making statements of fact
12 about my client. When asked in 2021 if conveying to viewers
13 that everything she did on Cardi was true, she testified that
14 is correct. In September 2019, one year after Cardi's public
15 denial and receipt of the first demand letter for retraction,
16 seven months after the second demand letter, six months after
17 the lawsuit was filed, the defendants published a video where
18 Tasha repeated that everything she said, everything that
19 Starmarie Jones said was accurate.

20 We have proven by clear and convincing evidence that
21 defendant's act was actual malice when publishing these
22 statements. Tasha testified multiple times that she knew
23 these statements were false before they published them or that
24 she had a reckless disregard for the truth. They were not
25 published in good faith.

1 The defendants had no evidence to corroborate them.
2 She did not investigate them before she published them, and
3 there were clear indications present that brought into
4 question the truth or falsity of the statements. There were
5 obvious reasons for Tasha to doubt the source of the
6 statement, to doubt the statement was reliable or trustworthy.
7 Tasha even knew that several of the statements were false
8 before she published them.

9 Let me walk you through some of the evidence and
10 testimony you've heard over the past two weeks that
11 conclusively demonstrate defendants have acted with actual
12 malice.

13 (Whereupon, a video recording was played.)

14 MS. MOORE: Tasha admitted that she knew Lovelyti had
15 receipts debunking what Starmarie Jones was saying, but as you
16 heard her say during the Lovelyti call that she
17 surreptitiously recorded, she didn't want to know what the
18 receipts were. She wanted to push the interview out before it
19 was debunked so she could make it trend and draw viewers and
20 increase ad revenue.

21 In addition to knowing that Lovelyti had evidence to
22 prove Starmarie Jones wasn't telling the truth, Tasha K, prior
23 to publishing the interview, knew that Starmarie Jones was
24 mentally ill, that she had, in her words, quite an impressive
25 criminal past, that she had not been able to pass a background

1 check, that she'd lied to the club owner, and had been
2 suspended from her job and subsequently lost her job. She
3 lied to Tasha about multiple things and had violated the terms
4 of her probation.

5 There are many obvious reasons to doubt the veracity
6 of Starmarie Jones. The defendants didn't care. They only
7 cared about their profit. Publishing the Starmarie Jones
8 interview when Starmarie Jones said my client had herpes, was
9 a prostitute, and had done cocaine despite actual knowledge of
10 the probable falsity proves actual malice on the part of
11 defendants. This is not a situation where the source was
12 reliable or credible. Even Tasha K herself thought Starmarie
13 Jones was a liar, a mentally ill liar.

14 Tasha admitted that she knew it was not Cardi and the
15 beer bottle. As she testified -- and this was her words --
16 there were obviously no tattoos on the woman in the video.
17 She knows my client has several large and very prominent
18 tattoos on both her arms, her abdomen, her back, her thigh, in
19 addition to others. She even admitted that she did a
20 google -- she saw a Google result before she published the
21 video entitled, "No, that Disturbing Video of a Stripper with
22 a Beer Bottle is not Cardi B," but she published the
23 defamatory statement anyway that Cardi was, excuse my
24 language, fucking herself with a beer bottle. This is actual
25 malice.

1 And even though she knew it was not my client in the
2 video and was aware of the news article saying it was not my
3 client and later saw tweets from my client denying that it was
4 her, the defendants have refused to take down the videos
5 saying that my client is fucking herself with a beer bottle.
6 This is actual malice.

7 Tasha previously posted that she will expose
8 everything, especially if it's a lie. She admitted she posts
9 photos on the internet even when she doesn't know where they
10 came from or if they've been edited revealing a reckless
11 disregard for the truth. This is actual malice.

12 She admitted that she does not have any corroborating
13 evidence that my client cheated on her husband, but she
14 continues to publish videos saying that. This is actual
15 malice.

16 She testified that she thinks it's okay for
17 defendants to publish statements about other people, including
18 my client, even if somebody else made it up or they're
19 defamatory. She testified in the video where she says my
20 client committed adultery and has HPV that she thought the
21 information given to her before defendants published the video
22 was false. She further admitted that it wasn't even just that
23 she had doubt about the alleged source to the story, that she
24 knew, in her words, it was fake before she published it. That
25 is actual malice.

1 Tasha admitted that she told Kyle she thought the
2 story she published saying my client had HPV and had cheated
3 on her husband was fake, but she was going to put it out
4 anyway. That is actual malice.

5 Tasha said if she is sent fake stories, she's going
6 to air them. She also said that every story she gets on a
7 celebrity that she could put out that is not damaging to her,
8 she is going to fucking put it out. She said every story that
9 she could put out that is good for her platform she's going to
10 put it out. She admitted that she relies on anonymous
11 sources, even though she knows her sources are not credible.
12 For example, she put out a video even though she knew the
13 source had refused to give her a copy of the recording.

14 She admitted in a different video that she didn't
15 care if the things she posts are fake because she sells drama
16 and didn't think it would affect her credibility.

17 While she changed her testimony under oath last
18 Friday, she previously admitted in the Lovelyti recorded phone
19 call and in her deposition under oath and in direct
20 examination last Tuesday under oath, that Starmarie Jones did
21 not actually show her any documents or anything that
22 corroborated her story.

23 Tasha said in the video if someone called her a
24 cokehead, said she had herpes or prostituted, it would be
25 straight fucking defamation. And you know what, Tasha is

1 right. Excuse my language. It is straight fucking
2 defamation.

3 Tasha testified my client posted in the comments and
4 DM'd her that the statements were not true before the
5 defendants published the Starmarie Jones interview and yet the
6 defendants published it anyway. That is actual malice.

7 Tasha said about the Starmarie Jones interview that
8 it was just kind of something, I was like, well, shit, shit is
9 the shit. It's funny. Let me put it on my platform so
10 Lovelyti will come in with a rebuttal. So it was like a whole
11 motherfucking set up. I'm going to put the picture up. You
12 tell her she's lying. It's perfect.

13 Tasha also said, as far as the herpes and shit, I
14 don't know. And she didn't have any personal knowledge about
15 whether my client had herpes before defendants published these
16 statements. This is actual malice.

17 Tasha admitted that her attorneys told her about the
18 medical records that were produced by my client, and even
19 though she knows my client's herpes test result like her HPV
20 result are negative, defendants have knowingly continued
21 publishing defamatory statements that my client has herpes.
22 This is actual malice.

23 Tasha testified that before she published the
24 statements that it was my client in the beer bottle video and
25 even though she had actual knowledge that it was not my client

1 in the video, that she knew Pornhub was a free forum where
2 literally anyone can set up an account, and she had not
3 attempted to see if Pornhub does any verification. That is
4 actual malice.

5 Tasha said to Lovelyti, well, I'm, like, shit, drop
6 it, I don't give a fuck about this bitch, drop it, in a
7 statement where she's talking about my client. And even
8 though Lovelyti told her that she had information that was
9 going to contradict the Starmarie Jones interview that she was
10 putting out, her attitude was drop it, I don't give a fuck
11 about Cardi. Drop it. That is actual malice.

12 Tasha admitted that if she thought my client sent her
13 information saying she had an STD, she would publish it. Even
14 if she didn't know whether my client was actually behind it,
15 she'd go ahead and publish it. That demonstrates actual
16 malice.

17 Tasha admitted in a video that defendants published a
18 male voice said you don't know that in reference to a
19 statement that my client had slept with another man during her
20 marriage. Mr. Kebe, her husband, admitted in his testimony
21 here during trial, as the corporate representative, that the
22 male voice was his. And the defendants published the video
23 anyway. This is evidence of actual malice on the part of the
24 defendants.

25 Mr. Kebe testified, as the corporate representative,

1 that he is aware everything his wife publishes could be false.
2 This shows actual malice on the part of Kebe Studios.
3 Mr. Kebe testified in his deposition that it doesn't matter to
4 him whether or not the content being published is actually
5 true because it's entertainment gossip, and it's based on
6 rumor. And he knows there's a chance it's not true, and he's
7 sure his wife is aware of that. But then at trial he changed
8 his testimony saying that he did care.

9 Regardless of which time he was telling the truth
10 under oath, as the corporate representative, he's never done
11 anything about these videos despite having his own actual
12 knowledge that there is a chance the statements are not true,
13 as well as the fact that he knows his wife knows that she has
14 no proof to support the things that she is saying. This is
15 evidence of actual malice on the part of the defendants.

16 Tasha testified in her deposition it is okay for
17 people to defame my client, meaning Cardi, and it's my
18 client's job to get people to take that stuff down.

19 Tasha also stated in a video, unless Cardi sends me
20 court papers making me show up in court, videos are not coming
21 down. Well, as you know, my client did send her court papers
22 making her show up in court, but the videos are still not
23 down. I suppose this is just another lie that Tasha told her
24 viewers.

25 Last Thursday Tasha told the jury that my client has

1 herpes. It is herpes were her exact words on Thursday, even
2 though she knows my client has a negative herpes test result
3 that proves she doesn't have herpes. Notwithstanding the
4 defendants knowing that my client does not have herpes, does
5 not have HPV, notwithstanding knowing that my client is not
6 the woman in the beer bottle video, notwithstanding the
7 defendants have zero evidence that my client has ever cheated
8 on her husband, done cocaine or been a prostitute, all of the
9 posts and videos that we've watched are still up. That is the
10 epitome of actual malice.

11 Defendants have refused to retract these statements,
12 notwithstanding that my client stated publicly and privately
13 to Tasha that none of these things are true, notwithstanding
14 multiple demand letters from three law firms, notwithstanding
15 the filing of this lawsuit in March of 2019. Defendants have
16 republished these statements over and over and over knowing
17 that they are false or with a reckless disregard for the
18 truth. Tasha has testified she doesn't care, and unless
19 someone actually forces them to stop, they will never stop
20 publishing these defamatory and disgusting lies about my
21 client.

22 (Whereupon, a video recording was played.)

23 MS. MOORE: Tasha testified that if my client wants
24 this shit down, she would have to pay her. And then even if
25 she takes it down, the defendants will continue publishing

1 these statements about my client, but instead of using her
2 name they will say this rapper and everyone viewing her
3 platforms will know that she is talking about my client.

4 Neither of the defendants have ever apologized to my
5 client or publicly retracted any of the statements. The
6 defamatory statements remain up for the whole world to see.
7 Tasha has been very clear that it will require an injunction
8 from this Court for the defendants to stop. She even blamed
9 my client for increasing views by going into her comments to
10 publicly deny the things that Starmarie Jones had said. She
11 thinks my client should have left it alone. Until when?
12 Until Cardi killed herself? Until she left her children
13 motherless?

14 Defendants have admitted repeatedly that their
15 motives are profit and separately spite. And of those two,
16 they admitted in this courtroom that their primary motive is
17 profit, to monetize the defamatory lies they've published
18 about my client. Tasha testified that defendants saw a
19 340 percent increase in traffic between July, August, and
20 September of 2018.

21 (Whereupon, a video recording was played.)

22 MS. MOORE: Tasha testified that even though she knew
23 the video where she said my client had HPV was fake, she
24 published it intending to bring traffic to her platform. She
25 was trying to drive traffic and viewers to the revenue -- to

1 increase ad revenue. She admitted that she was promoting the
2 sale of goods in the link where she promoted a video about our
3 client.

4 She testified that she hashtagged my client so when
5 people searching Instagram specifically looked for my client,
6 this would come up, which would help drive people to the
7 defendant's Instagram, YouTube, and platforms in general. She
8 admitted that one of the reasons she wanted to drop the
9 Starmarie Jones interview first was to get ratings. She
10 admitted that sometimes she uses hashtags like cold sore B or
11 herpes B or Cardi B even if she's not talking about my client
12 to drive traffic to her cite.

13 She said in the video that she wanted the money, and
14 she had an agency that's watching. And they want to see
15 certain numbers, and they are in a business to generate
16 ratings, views, as well as money, and that she wasn't going to
17 pull the videos down, at least in part, because she wanted to
18 leave them up so she could continue getting views and ratings
19 and ad revenue.

20 She advertised feminine wash while talking about my
21 client with her image displayed on the screen and said that
22 while she typically does not place advertisements in these
23 types of videos, she did for this one concerning our client.

24 Tasha stated if Cardi wants her to delete the videos,
25 well, bitch, you need to give me a check. So in order for the

1 defendants to take down the defamatory statements about my
2 client, my client either has to pay her or this Court will
3 have to force her to. You will have to force her to.

4 Tasha testified when she posted the fake story about
5 my client having HPV, she expected Cardi to go live and say
6 something and if she had, it would have been good for her
7 platform and driven traffic there and would have increased
8 viewership and ad revenue. She has repeatedly testified that
9 she does this to provoke a response so it will drive more
10 traffic to her site.

11 In addition to greed, Tasha admitted that she also
12 publishes the statements for spite. She testified that she
13 knowingly publishes these statements and continues to publish
14 these statements to get back at my client for filing the
15 lawsuit. She testified that she --

16 (Whereupon, a video recording was played.)

17 MS. MOORE: Go ahead, Tom. Sorry.

18 As you just heard Tasha say, she tags my client
19 because it's entertaining and it irritates my client, and she
20 has an admitted personal vendetta against her. She knows it
21 upsets my client when she tags her @iamcardib and when she
22 tags -- hashtags her as herpes B or cold sore B. She
23 testified that she does it intentionally to upset her.

24 Kebe Studios is liable for defamation because Tasha
25 published the defamatory statements as co-president and an

1 alter ego of the company. She and her husband admitted that
2 they and Kebe Studios are all one and the same. While denying
3 she was president of the company, Mr. Kebe testified that
4 Tasha is co-president of Kebe Studios and admitted that his
5 wife was not telling the truth when she testified under oath.
6 Tasha acts as the face of Kebe Studios when she's speaking to
7 the public.

8 Defendants have acted in concert to cause my client
9 damages, and that fault is indivisible. Defendants should be
10 held jointly and severally liable. Tasha admitted that she
11 owns the domain name unWinewithTashaK.com and a federal
12 trademark registration for unWinewithTashaK.

13 Mr. Kebe admitted that there are no operating
14 agreements for Kebe Studios. There are not any corporate
15 resolutions. There are no other written agreements or
16 documents between Ms. Kebe and Kebe Studios. He admitted that
17 while his wife owns the trademark for unWinewithTashaK,
18 there's actually no agreement between her and the company for
19 the use of the trademark.

20 Mr. Kebe also admitted that there are no written
21 agreements that convey any rights or other assets that his
22 wife may have developed or owned prior to forming Kebe
23 Studios. He testified there was no agreement between Kebe
24 Studios and Ms. Kebe for the use of Ms. Kebe's videos.
25 Suffice it to say, the defendants do not mind their corporate

1 formalities.

2 Neither Mr. or Mrs. Kebe are credible. They have
3 each repeatedly admitted that they testified to things during
4 this trial that were untrue when impeached with their prior
5 deposition testimony. They've given contradictory and
6 mutually exclusive testimony. That's just one example.

7 Mr. Kebe testified there are other businesses besides
8 the unWinewithTashaK brand operating under the auspices of
9 Kebe Studios LLC. Directly contradicting his wife, Mr. Kebe
10 testified there are no other businesses operating under Kebe
11 Studios. When asked if his wife's testimony made under oath
12 was untrue, he said, yes. When asked if her husband's
13 testimony was untrue when he testified under oath that she was
14 the co-president, she said, yes, that her husband had given
15 false testimony.

16 Defendants have invaded my client's privacy, and
17 they've placed her before the public in a false light. These
18 disgusting statements have created a false impression by
19 depicting my client to the public as someone that she is not.
20 She does not have herpes. She's not a prostitute. She does
21 not have HPV. She's never inserted a beer bottle into her
22 vagina, and she's never done cocaine. And she's never cheated
23 on her husband.

24 These statements are highly offensive, and both Tasha
25 and her husband, as the corporate representative of Kebe

1 Studios, admitted that the defendants acted with actual malice
2 when publishing these statements. These false statements can
3 be seen all over social media across the world and have been
4 shared and retweeted hundreds, if not thousands, of times.

5 The defendants have caused my client to suffer
6 extreme emotional distress. We've also conclusively proven
7 that defendants acted with reckless disregard to whether their
8 conduct would cause my client to suffer emotional distress.

9 (Whereupon, a video recording was played.)

10 MS. MOORE: As my client testified, the emotional
11 distress she suffered was severe. She wanted to kill herself.
12 In her words she was extremely suicidal. She was a first time
13 mother with a beautiful baby girl, and she couldn't even put a
14 picture on the internet of her kissing her daughter because
15 she was flooded with vicious comments that she was giving
16 Kulture herpes. She didn't want to have sex with her husband.
17 She was suicidal when her newborn son was just a few months
18 old all due to the defendant's unabated campaign of malicious
19 lies.

20 She developed anxiety. She became depressed. She
21 felt hopeless. She felt defeated. She lost a significant
22 amount of weight. She started having migraines. She was
23 fatigued and sleeping all of the time because she just wanted
24 to escape this nightmare. This has not only affected my
25 client. This has affected her entire family. No reasonable

1 person could be expected to endure this.

2 Tasha admitted that some of her posts were being
3 taken down by Instagram for bullying, and she also stated that
4 she doesn't like the bitch and knows it upsets our client when
5 she hashtags her calling her herpes B saying that she has
6 herpes. And she admitted in this courtroom that she does it
7 intentionally to upset her.

8 She admitted that she was using hashtags herpes B to
9 say our client had herpes, and when she was questioned about
10 using the @iamcardib to tag her, to intentionally notify our
11 client about these vile statements and videos, that she
12 thought it was entertaining, and she enjoyed it because it
13 irritates our client. She admitted that she uses hashtags to
14 provoke a reaction from my client.

15 Tasha testified that she didn't know whether my
16 client had HPV, and when asked if she knew it would upset my
17 client, she admitted that was part of the reason she did it.
18 She testified that she knows it upsets our client when she
19 hashtags her calling her herpes B, and she does it
20 intentionally to upset her.

21 Dr. Sherry Blake, my client's therapist and a
22 nationally renowned expert on mental health with impeccable
23 credentials, said that Cardi was extremely suicidal and that
24 her suffering was severe. We heard Dr. Blake testify the
25 first time she saw Cardi in New York in November of 2018, that

1 Cardi was very anxious and lethargic, that she had very little
2 energy, a lot of fear, that she had a lot of depressive
3 symptoms, such as she was very tearful, and she had just lost
4 interest in doing anything. She was sleeping a lot, had lost
5 her appetite, she wasn't eating, and she was doing anything to
6 make this go away, which meant she was in bed sleeping all the
7 time just to get away from it.

8 She described the level of Cardi's mental distress
9 that weekend in New York. Dr. Blake was quite concerned. She
10 said that on a scale with 1 being the best and 10 being the
11 worst, Cardi was definitely a 10. Dr. Blake testified
12 concerning her opinion of my client's mental health. She said
13 that she was depressed and had a lot of anxiety, that she was
14 in a mental health crisis, that she was not very well at all,
15 and that she'd made a working diagnosis of depression and
16 anxiety and that the cause of all of this was and is the
17 defamatory lies being published by the defendants.

18 Dr. Blake testified that she believes Cardi's
19 emotional pain will continue into the future. She discussed
20 the permanent trauma, depression, and anxiety that my client
21 will forever have to deal with due to the defendant's
22 outrageous conduct.

23 Dr. Blake testified that Cardi was suicidal in 2020.
24 She was quite concerned about my client's mental health. She
25 testified that Cardi reported having feelings of suicide. She

1 talked about not wanting to live, that she was bringing so
2 much shame to her family that she just couldn't go on, and she
3 just couldn't even get any reprieve, not from the social media
4 platforms. And although she'd followed Dr. Blake's suggestion
5 to turn it over to her legal team, that wasn't working.

6 Dr. Blake testified that she was quite concerned
7 about the possibility of suicide. She did a risk analysis.
8 My client did not have a prior history, and while she had some
9 protective factors, Dr. Blake created a safety plan for Cardi
10 to call her day or night at any time if she ever decided to
11 act on her suicidal ideations.

12 Dr. Blake testified based on her extensive
13 experience, training, education, that Cardi had a major
14 depressive disorder and an anxiety disorder and that during
15 her therapy sessions with Cardi in 2021, she continued to
16 struggle and suffer from anxiety and depression. She was
17 extremely sad that nothing had changed, and she felt extremely
18 helpless. In Dr. Blake's words she was continuing to bleed
19 internally.

20 Cardi testified that before the defendants began
21 spreading these false and vile lies about her that she'd never
22 suffered from any suicidal ideations or any other extreme
23 mental health disorders. As you heard her testify, she's been
24 through rough times. She's been homeless. She grew up very
25 poor. She's been beat up by men that she was in a

1 relationship with and yet she never experienced extreme
2 emotional distress or wanted to kill herself until defendants
3 began this campaign. She felt like for a very long time that
4 she'd rather be dead than alive.

5 My client testified about her concerns that Kulture
6 and her son, when they get older, will see these disgusting
7 statements on social media or these videos or these
8 accusations of their mother doing these things. She's
9 testified that it's been very difficult being in court this
10 week and that she's been having panic attacks in the morning
11 because it still continues.

12 Cardi testified that she's still suffering from
13 extreme emotional distress. She gets anxiety because she
14 feels like it's going to continue. She gets very scared
15 because it continues. You've heard her testify that she felt
16 humiliated, and she continues to feel humiliated by these
17 posts and videos. She feels this way because to this day
18 people still call her herpes B. People to this day think it's
19 her putting a beer bottle up her vagina. She feels like
20 forever she will have to defend herself and say that it's not
21 true. Cardi is continuing to work with a therapist.

22 Tasha admitted several times during this trial that
23 the statements were intentionally directed to my client. She
24 repeatedly hashtagged her. She repeatedly used her @iamcardib
25 handle so it would tag my client, so it would notify her and

1 force her to see it, to upset her, to irritate her, to provoke
2 a reaction.

3 Cardi testified that by using the hashtag and by
4 using her username, it would tag her, and everybody else on
5 social media could see those same vile statements. She
6 explained that on YouTube if you have a hashtag, the artist's
7 name, those videos will come out under the artist's video. So
8 it could be a Cardi B video, an official video, and then the
9 next video underneath it might be one of Tasha K's disgusting
10 videos.

11 Defendant's conduct is reprehensible. It is so
12 extreme in degree, and it goes beyond all possible bounds of
13 decency. It is atrocious, and it is utterly intolerable in a
14 civilized society. It's not merely vulgar or tasteless or
15 rude or insulting, this unrelenting campaign by the defendants
16 of intentionally publishing all of these knowingly false and
17 disgusting lies for years when they know these things are
18 false solely for clicks and views and money and spite, is so
19 abusive and obscene that, of course, it caused my client to
20 experience intense feelings of humiliation, embarrassment,
21 shame, outrage.

22 And I use the word "campaign" purposely. On Day 3 of
23 this trial Tasha testified that September 18th, 2018, was when
24 this campaign started. That was her word. She said campaign.
25 The cumulative effect of defendant's conduct and all the

1 trauma intentionally inflicted on my client for the past three
2 and a half years is permanent. She will never get back this
3 time with Kulture and her young son. She will never
4 experience her baby's early months and years while not in
5 severe emotional distress.

6 And even if these defamatory videos come down, some
7 people will always believe that my client has herpes, has HPV,
8 was a prostitute, did cocaine, cheated on her husband, and was
9 the woman in the beer bottle video. These lies will follow
10 her forever. They will follow her children.

11 The defendants should be held jointly and severally
12 liable for the damages, for the reprehensible and outrageous
13 conduct. You should award my client such sums as you believe
14 are reasonable and just in this case. You've seen the videos.
15 They're horrifying. You've seen the documents. You've heard
16 all the testimony.

17 My client is entitled to damages for mental pain and
18 suffering. Her pain and suffering understandably has
19 significantly interfered with her normal living. It has
20 impaired her enjoyment of life. It has had a debilitating
21 impact on her physical and mental health. Her suffering over
22 the past three and a half years has been unspeakable.
23 Defendant's conduct shocks the conscience. And while my
24 client may no longer be suicidal, as she and Dr. Blake
25 testified, she continues to suffer every day.

1 While justice demands that the defendants be enjoined
2 from ever publishing any of these disgusting lies again as
3 well as an order requiring all of these defamatory posts and
4 videos to come down immediately and permanently, because my
5 client's pain and suffering will continue into the future, you
6 should award damages for the pain and suffering that she will
7 continue to endure.

8 It is heartbreaking, heartbreaking to think about
9 Kulture and Cardi's young son having to read one day that
10 the -- about these vile and false statements that have
11 previously been published about their mother.

12 Defendants are undeniably and admittedly liable for
13 defamation because each of the defamatory statements are
14 considered per se. They are so offensive and so egregious
15 that the law infers that my client has suffered damages, which
16 includes damages to her reputation, standing in the community,
17 damages for her extreme personal humiliation, for her severe
18 mental anguish, and for her suffering. You should award
19 damages in an amount that you believe is reasonable to
20 compensate my client for these harms.

21 Importantly, my client is not required to prove
22 actual harm or financial loss to recover these damages. The
23 defendants are also undeniably and admittedly liable for
24 intentional infliction of emotional distress. Tasha and her
25 company have made abundantly clear of their intent to hurt my

1 client, the intent to harm my client through acts, through
2 conduct, through their separate and admitted motives of greed
3 and spite, and most certainly by the defendant's demeanor in
4 this courtroom.

5 We have conclusively proven that defendants had
6 specific intent to cause harm. Tasha admitted to purposely
7 targeting and upsetting my client. She specifically intended
8 to cause my client mental anguish. In fact, she's admitted
9 that she enjoys it. She gets pleasure from torturing my
10 client.

11 My client seeks to recover attorneys' fees and
12 expenses incurred by her in this action. The infuriating
13 thing is that none of the enormous expense that my client has
14 had to incur, hundreds and hundreds and hundreds of thousands
15 of dollars, none of it would have been necessary had the
16 defendant simply stopped when my client posted in the comments
17 for the promo of the Starmarie Jones interview that these
18 things were not true -- my client immediately put them on
19 notice that the defamatory statements Ms. Kebe intended to
20 publish in the Starmarie Jones interview were false -- or if
21 the defendants had stopped the following day when they got
22 their first demand for retraction on September 19, 2018, or if
23 the defendants had stopped after they got the second demand
24 for retraction on February 28th, 2019, or if the defendants
25 had stopped when they received a third demand for retraction

1 from my law firm on October 2nd, 2020. But as you know, the
2 defendants have refused to stop. And they have stated that
3 they will never stop until this Court makes them, until you,
4 the jury, make them.

5 My client is entitled to her attorneys' fees and
6 expenses as the defendants have plainly acted in bad faith,
7 have been stubbornly litigious, and have caused her
8 unnecessary trouble and expense. My client is entitled to be
9 compensated for her out-of-pocket expenses incurred from her
10 injuries inflicted by the defendants, including, but not
11 limited to, the \$10,000 that both she and Dr. Blake testified
12 that she has paid for the 16 therapy sessions with Dr. Blake.

13 You have seen an overwhelming amount of evidence
14 concerning the nature and egregiousness of the defendants'
15 conduct. It is truly reprehensible. It goes beyond the
16 bounds of any civilized society. And in terms of the extent
17 and duration of the defendants' wrongdoing, it has been an
18 unrelenting and intentional campaign to break my client all
19 because of greed and spite, post after post after post, dozens
20 and dozens of videos.

21 And with respect to the likelihood of recurrence, the
22 defendants have made it clear they will keep doing this until
23 they're forced to stop. They've made it clear that they think
24 defaming my client is a very profitable business, and they
25 will never stop unless you make them. Tasha admitted that she

1 did all of these things, published all of these knowingly
2 false and defamatory statements about my client with malicious
3 intent, with malice in fact, which is different than malice in
4 law with respect to actual malice that we've also proven
5 conclusively. The defendants have been greatly enriched by
6 their unlawful and outrageous conduct.

7 As everyone in this courtroom has witnessed, there
8 are aggravating circumstances that warrant the imposition of
9 additional damages called punitive damages. We have
10 conclusively proven that the defendant's actions have shown
11 willful misconduct, wantonness, and an entire lack of care
12 that would raise the presumption of conscious indifference to
13 the consequences. The defendants do not care that their
14 intentional and knowing three and a half year campaign of
15 defamatory lies brought a young mother to her breaking point.

16 They do not care that she wanted to kill herself.
17 They refuse to issue a retraction. They refuse to take down
18 the posts. They refuse to take down the videos, and they sit
19 here today as defiant as ever that they will not stop until
20 this Court makes them.

21 They are completely indifferent to the consequences
22 of their conduct, the harm that their conduct has caused, and
23 the harm that their conduct will continue to cause. They are
24 completely indifferent to all of the harms and the severe
25 emotional distress that my client has experienced, that her

1 family has experienced, that her parents have experienced.
2 They are so callous and without any moral parameters that they
3 do not even care about the harm that they've caused and will
4 continue to cause to my client's two young children.

5 Punitive damages are not awarded as compensation to
6 my client but solely to punish, to penalize or to deter the
7 defendants. We respectfully urge you to impose punitive
8 damages on the defendants, to punish them for this atrocious
9 conduct, and equally importantly to deter them from ever doing
10 it again.

11 Given how strident they are about their intent to
12 keep spreading malicious and false lies about my client, I
13 submit to you that it will require a very significant punitive
14 damages award to make them cease this unlawful and outrageous
15 conduct.

16 The defendants have shown a complete and total
17 indifference and an utter reckless disregard for the health
18 and safety of others. When you consider the degree of
19 reprehensibility of defendants' wrongdoing, remember that they
20 caused defendant (sic) physical harm, not just emotional harm,
21 not just to Cardi but also to her family, her husband, and her
22 children.

23 This is not an isolated event. It has been an
24 unrelenting campaign for three and a half years, and it
25 continues today. All of these false and defamatory statements

1 are still up for the whole world to see, for the whole world
2 to repeat. I urge you to please make today the day it stops.

3 (Whereupon, a video recording was played.)

4 MS. MOORE: If this isn't defamation, it doesn't
5 exist. If this isn't intentional infliction of emotional
6 distress, it doesn't exist. If this isn't false light, it
7 doesn't exist. I urge you please bring this campaign to an
8 end today.

9 Your Honor, I'm going to reserve the last 17 or 18
10 minutes until after the defendants close.

11 THE COURT: Yes, ma'am. I'm assuming that the charts
12 up are the plaintiff's charts?

13 MS. MOORE: Yes, your Honor.

14 THE COURT: If you would take those down, we'll take
15 a break. I know we've only been going for about an hour, but
16 I would rather the defendant have an opportunity to present
17 her entire closing arguments without having to have a break in
18 between, so we'll take a ten-minute recess. Thank you.

19 COURTROOM SECURITY OFFICER: All rise.

20 (Whereupon, the jurors exited the courtroom.)

21 THE COURT: All right. We'll stand in recess until
22 10:35. Thank you.

23 (Brief recess.)

24 COURTROOM SECURITY OFFICER: All rise.

25 (Whereupon, the jurors entered the courtroom.)

1 THE COURT: All right. Thank you. Y'all can be
2 seated, please. Defendant can begin when she's ready.

3 MS. IZMAYLOVA: Thank you, your Honor. Good morning,
4 ladies and gentlemen. Before I begin my closing argument I
5 would like to thank you all on behalf of myself, Mr. Sabbak,
6 and Mr. and Ms. Kebe. We know that you all have given up a
7 lot of time to be here, and we wanted to let you know that we
8 truly appreciate your sacrifice. I know that this case may
9 not seem like a big deal to some, but it is a huge deal to
10 Mr. and Mrs. Kebe who are here fighting for their business and
11 their livelihood.

12 Now, this is the last time that you will hear from
13 the defense, and believe me it's not because I don't have
14 anything else to say. It is because the law does not allow
15 the defense to make a rebuttal closing argument. Only the
16 party with the burden of proof, in this case is the plaintiff,
17 gets to have a rebuttal closing. So I ask you that you please
18 not hold the fact that I cannot come back up here against my
19 clients.

20 At the beginning of this trial Mr. Sabbak asked that
21 you keep an open mind until all of the evidence has been
22 presented. Now you know exactly why Mr. Sabbak has made that
23 request. I don't think that I've ever seen a more
24 disingenuous presentation of evidence than what the plaintiff
25 has showed you in this case.

1 In a little while Judge Ray is going to charge you on
2 the law that applies to this case. One of the things Judge
3 Ray will tell you is that in considering the evidence, you may
4 use reasoning and common sense to make deductions and reach
5 conclusions. You are the judges of the facts, and your only
6 interest is to seek the truth from the evidence in this case.

7 Let's talk about that for a moment. The plaintiff
8 claims that this whole controversy began when Ms. Kebe
9 published the Starmarie Jones interview, but if that interview
10 was as horrible and defamatory as the plaintiff alleges, then
11 why didn't the plaintiff play the entire Starmarie Jones
12 interview for you during her case in chief? Please recall
13 that plaintiff only played the first 30 seconds of a 46-minute
14 interview and then abruptly cut it off. It wasn't until
15 Mr. Sabbak was questioning Ms. Kebe that you all got to see
16 the entire interview.

17 Remember when Ms. Matz told you in her opening
18 statement that my client said the plaintiff engaged in a
19 debasing act with a beer bottle based on a video that she had
20 watched, and Ms. Matz went on to say that no reasonable person
21 who saw that video could ever believe that plaintiff was the
22 person in the video. Well, ladies and gentlemen, ask
23 yourselves this: If no reasonable person could have ever
24 believed that plaintiff was in that video, why didn't the
25 plaintiff play the video for you during her case in chief?

1 Why did you have to wait until Mr. Sabbak was questioning
2 Ms. Kebe to watch that beer bottle video? That makes
3 absolutely no sense.

4 And you all do not have to check common sense at the
5 door of the deliberation room. You're allowed to use
6 reasoning and common sense during your deliberations. In
7 fact, I encourage you to do so.

8 Throughout her case in chief the plaintiff only
9 played little bits and pieces from Ms. Kebe's videos. The
10 plaintiff literally plucked out statements and often paused in
11 the middle of sentences in order to prove that my client made
12 allegedly defamatory statements about her. The plaintiff
13 never presented the context in which my client made any of
14 those statements. The plaintiff barely allowed you to hear my
15 client's full sentences.

16 There's a world of difference between if you saw a
17 clip of me saying I hate my husband and then you saw a clip of
18 me saying I hate my husband for always spoiling me. Those are
19 two completely different statements, and yet the plaintiff
20 chose to present all of their evidence out of context. That
21 choice is entirely inconsistent with a search for the truth,
22 which is what you all are here to do.

23 Judge Ray will instruct you that in this case the
24 plaintiff has the burden of proof. In other words, it is the
25 responsibility of the plaintiff to prove every essential part

1 of her claims. My clients do not have any obligation to
2 present evidence or to prove that they are not liable. So if
3 the plaintiff gets back up here and says things like why
4 didn't the defense call this person or why didn't they present
5 this piece of evidence, that's impermissible burden shifting,
6 and I ask that you please disregard any such statements.

7 Now I would like to go through plaintiff's claims one
8 by one. Let's start with defamation. In order for plaintiff
9 to succeed on this claim, first she must prove by a
10 preponderance of the evidence that Ms. Kebe made a false and
11 defamatory statement about her. A preponderance of the
12 evidence means enough evidence to persuade you that
13 plaintiff's claim is more likely true than not true.

14 Plaintiff alleges that Ms. Kebe defamed her when she
15 stated that plaintiff has herpes. Plaintiff has already
16 argued that Ms. Kebe has reported that plaintiff has genital
17 herpes, but that is not true. Ms. Kebe has never said
18 anything about plaintiff having genital herpes. Everyone
19 knows that cold sores are a type of herpes, and you heard both
20 Starmarie Jones and Ms. Kebe use cold sores and herpes
21 interchangeably. But Ms. Kebe made it a point to clarify that
22 they were discussing cold sores around the plaintiff's mouth
23 and not genital herpes in the Starmarie Jones interview.

24 (Whereupon, a video recording was played.)

25 MS. IZMAYLOVA: Take plaintiff's alleged medical test

1 results, for example. First of all, plaintiff testified that
2 she took the test for this lawsuit, and yet her name is
3 nowhere on these results. I urge you to compare these test
4 results with Dr. Blake's summaries, which were also made after
5 this lawsuit was filed, but still they have plaintiff's real
6 name on them.

7 Secondly, plaintiff's alleged test results show that
8 a genital swab and not a blood test was conducted. What you
9 have not seen are any test results where a swab of plaintiff's
10 mouth was conducted. Again, Ms. Kebe has never stated that
11 plaintiff has genital herpes, so these test results are not
12 relevant for the issues in this case. And the reason these
13 results state not detected instead of negative is because
14 there was no blood test conducted.

15 During this trial you have seen pictures of the
16 plaintiff with cold sores on her lips, and when the plaintiff
17 testified, she also didn't say anything about genital herpes.
18 If you recall, she talked about kissing her daughter or other
19 potential actors. In fact, I don't think plaintiff has ever
20 said anything about genital herpes.

21 (Whereupon, a video recording was played.)

22 MS. IZMAYLOVA: When her attorney was asking
23 questions, plaintiff testified that Ms. Kebe was the first
24 person to ever say that plaintiff had cold sores. But when I
25 got up to question plaintiff, I exposed that lie and got

1 plaintiff to admit that other people were talking about her
2 cold sores way before Ms. Kebe. You also heard Ms. Kebe --

3 (Whereupon, a video recording was played.)

4 MS. IZMAYLOVA: The "they" in that clip references
5 other social media users, and Ms. Kebe had testified that many
6 users on social media have been saying that plaintiff has cold
7 sores for years prior to the Starmarie Jones interview.
8 Ms. Kebe also testified that those social media posts are
9 still available to this day.

10 You heard Ms. Kebe testify that Joseline Hernandez,
11 another Love & Hip Hop star, said that plaintiff had herpe
12 bumpy lips, and she even made a song about it back in 2017.
13 Ms. Kebe also told you that Joseline Hernandez's statements
14 and song are still publicly available to this day.

15 Ms. Kebe testified that Azealia Banks has stated that
16 plaintiff has herpes. When I was questioning the plaintiff,
17 she did admit that Azealia Banks called plaintiff a, quote,
18 mediocre cold sore having bird, end quote, and that the two of
19 them got into an online feud as a result of that. All this
20 happened before Ms. Kebe ever published the Starmarie Jones
21 interview, and plaintiff admitted that she has never sued
22 Azealia Banks or anyone else other than my clients for
23 defamation stemming from the herpes allegations.

24 (Whereupon, a video recording was played.)

25 MS. IZMAYLOVA: The plaintiff claims that she did not

1 sue Azealia Banks because Azealia Banks allegedly apologized
2 to the plaintiff, but you did not see any evidence of that
3 apology. And the plaintiff admitted and Ms. Kebe confirmed
4 that Azealia Banks's statements, interviews, and social media
5 posts are still available online to this day.

6 During this trial you have also seen a picture of
7 plaintiff's husband, professionally known as Offset, with a
8 cold sore on his lips. Plaintiff's husband did not come to
9 testify in this trial. You also have not seen or heard any
10 evidence that plaintiff's husband denied having cold sores,
11 and you most certainly have not heard or seen any evidence
12 that plaintiff's husband sent Ms. Kebe a demand for retraction
13 or that he sued Ms. Kebe for defamation.

14 The reason you have not seen or heard any evidence
15 about that is because plaintiff's husband has never sent
16 Ms. Kebe any demands and has never filed suit against
17 Ms. Kebe. Ask yourselves why that is.

18 Judge Ray will charge you that truth is a complete
19 defense to defamation. After considering all the evidence
20 regarding plaintiff's cold sores, it is abundantly clear that
21 plaintiff has failed to prove by a preponderance of the
22 evidence that she does not have cold sores, which is a type of
23 herpes. Therefore, plaintiff's claim that Ms. Kebe made a
24 false and defamatory statement when she said that plaintiff
25 had cold sores fails, and my clients cannot be found liable

1 for that statement.

2 Plaintiff also alleges that Ms. Kebe defamed her when
3 she stated that plaintiff has HPV. Now, Ms. Kebe testified
4 that she never reported that plaintiff has HPV as a fact. If
5 you recall, there's only one clip where Ms. Kebe even mentions
6 anything about HPV, and Ms. Kebe clearly said that she could
7 not confirm the HPV diagnosis.

8 (Whereupon, a video recording was played.)

9 MS. IZMAYLOVA: Remember at the beginning of this
10 trial when my client was being questioned about this exact
11 video, and Ms. Matz played that clip once. But then she
12 refused to play it again, even though she continued to
13 question my client about it. Ms. Matz knew that my client
14 never reported plaintiff having HPV as a fact, and that's why
15 she refused to play the video again. You have not seen or
16 heard any other evidence where Ms. Kebe says anything about
17 the plaintiff having HPV. That evidence does not exist
18 because Ms. Kebe has never reported that plaintiff has HPV as
19 a fact.

20 Judge Ray will charge you that a defamation action
21 will lie only for a statement of fact. Therefore, plaintiff's
22 claim that Ms. Kebe made a false and defamatory statement when
23 she said plaintiff has HPV fails, and my clients cannot be
24 found liable for that statement.

25 Plaintiff also alleges that Ms. Kebe defamed her when

1 she stated that plaintiff was a prostitute. You saw
2 throughout the trial many different clips where the plaintiff
3 refers to herself as a stripper ho or a ho, all of which are
4 other words for prostitute.

5 (Whereupon, a video recording was played.)

6 MS. IZMAYLOVA: You have also seen a video where the
7 plaintiff admits that she's lived everything she raps about
8 and you've --

9 (Whereupon, a video recording was played.)

10 MS. IZMAYLOVA: And you've heard a clip from her song
11 titled *Everything* where she clearly raps about prostitution
12 and drug use.

13 (Whereupon, a video recording was played.)

14 MS. IZMAYLOVA: And you also heard plaintiff yelling
15 about selling pussy.

16 (Whereupon, a video recording was played.)

17 MS. IZMAYLOVA: But perhaps the most telling is
18 plaintiff's video about the three rules of tricking.

19 (Whereupon, a video recording was played.)

20 MS. IZMAYLOVA: Plaintiff is clearly talking about
21 exchanging sex for money in that clip that we just saw, yet
22 when she testified, she lied and said that the word "trick"
23 means boyfriend. However, Ms. Kebe testified that a trick is
24 the same thing as a John, both terms refer to a client of a
25 prostitute. Even Starmarie Jones said, quote, he was Ebony's

1 trick in her interview when she was describing the time that
2 plaintiff was prostituting.

3 (Whereupon, a video recording was played.)

4 MS. IZMAYLOVA: Again, Judge Ray will charge you that
5 truth is a complete defense to defamation. After considering
6 all the evidence, it is abundantly clear that plaintiff has
7 failed to prove by a preponderance of the evidence that she
8 never prostituted. Therefore, plaintiff's claim that Ms. Kebe
9 made a false and defamatory statement when she said that
10 plaintiff was a prostitute fails, and my clients cannot be
11 found liable for that statement.

12 Plaintiff also alleges that Ms. Kebe defamed her when
13 she stated that plaintiff used drugs. You heard plaintiff
14 admit that she has smoked weed and taken molly and Percocets
15 and other pills. Plaintiff got on the stand and claimed that
16 she's only done molly one time. However, back in 2017 she
17 told the Rolling Stone Magazine that, quote, she had taken
18 molly as a confidence booster before stripping but doesn't
19 need it anymore, end quote.

20 Plaintiff did not introduce any evidence that
21 contradicted what she told the Rolling Stone Magazine nor did
22 plaintiff testify in rebuttal that she never made that
23 statement.

24 Smoking weed is a crime. Taking molly is a crime.
25 Taking Percocets and other pills is a crime. The plaintiff

1 has admitted to doing all of those drugs, and now she's making
2 the argument that because she's never publicly admitted to
3 using cocaine, that she has somehow been defamed. Ladies and
4 gentlemen, does it make any sense that an admitted drug user
5 can be defamed by a suggestion that she uses different types
6 of drugs? That is the most absurd argument that I have ever
7 heard. If the plaintiff wants to get really technical, she
8 never denied using cocaine on the stand. She was talking
9 about -- she was denying using crack.

10 So once again the plaintiff has failed to prove by a
11 preponderance of the evidence that she never used cocaine.
12 Therefore, plaintiff's claim that Ms. Kebe made a false and
13 defamatory statement when she said plaintiff was a drug user
14 fails, and my clients cannot be found liable for that
15 statement.

16 Plaintiff alleges that Ms. Kebe defamed her when she
17 stated that plaintiff engaged in a debasing act with a beer
18 bottle. Plaintiff's position is that no reasonable person
19 could ever think that it was her in the video, and again I
20 ask, why didn't plaintiff play this video during her case in
21 chief? Why did the plaintiff turn her whole body away from
22 you when Mr. Sabbak played that video during Ms. Kebe's
23 testimony?

24 You heard Ms. Kebe testify that she saw the beer
25 bottle video on Pornhub, and the title had Cardi B's name in

1 it. You also heard that this video is still available today
2 not only on Pornhub but a lot of other popular porn sites, and
3 the title still has Cardi B's name in it.

4 You did not hear any testimony or see any evidence
5 that plaintiff sent Pornhub or any other porn sites a cease
6 and desist letter nor that plaintiff has filed suit against
7 Pornhub or any of the other porn sites for defamation, even
8 though all those sites are making money off of that video
9 which still has Cardi B's name in the title. In fact, the
10 only evidence you heard was plaintiff denying that it's her.
11 The tweets and the article that they showed you were all
12 quoting the plaintiff's denial.

13 During her testimony the plaintiff lied about being
14 very religious. She lied that Ms. Kebe was the first person
15 to say that she had cold sores. She lied about using molly
16 only one time and told many other lies. So why should you
17 believe her when she says it's not her in that video? You did
18 not see any evidence from any other source that proves
19 plaintiff is not the person in the beer bottle video, and if
20 you ask me personally, the person in the video looks a lot
21 like the plaintiff.

22 THE COURT: All right. So the Court is going to
23 strike the last comment made by counsel. As counsel knows, a
24 lawyer should never express their own opinion about anything
25 in the course of trial, and the statement was improper and

1 should be disregarded by the jury.

2 MS. IZMAYLOVA: The only evidence plaintiff presented
3 in an attempt to prove that she isn't the person in the video
4 are a couple of pictures of her tattoos. However, plaintiff
5 wasn't born with those tattoos, and she has presented
6 absolutely no evidence to prove the fact that the beer bottle
7 video was made after she got her tattoos.

8 Please keep in mind that plaintiff has the burden of
9 proof in this case, and my clients don't have to prove or
10 disprove anything. Again, plaintiff has failed to prove by a
11 preponderance of the evidence that she did not engage in a
12 debasing act with a beer bottle. Therefore, plaintiff's claim
13 that Ms. Kebe made a false and defamatory statement when she
14 said that plaintiff engaged in a debasing act with a beer
15 bottle fails, and my clients cannot be found liable for that
16 statement.

17 Plaintiff alleges that Ms. Kebe defamed her when she
18 stated that plaintiff committed adultery. Throughout this
19 trial you have learned that plaintiff's husband has committed
20 adultery on numerous occasions. You have heard that at one
21 point plaintiff even filed for divorce from her husband. You
22 have also seen evidence of couples therapeutic coaching, and,
23 most importantly, you've heard plaintiff's position about
24 cheating in relationships.

25 (Whereupon, a video recording was played.)

1 MS. IZMAYLOVA: Plaintiff's husband did not come to
2 testify at this trial. You have not heard or seen any
3 evidence that plaintiff's husband denied committing adultery,
4 and you most certainly have not heard or seen any evidence
5 that plaintiff's husband sent Ms. Kebe a demand for retraction
6 or that he sued Ms. Kebe. And the reason you haven't seen or
7 heard any evidence about that is because plaintiff's husband
8 has never sent Ms. Kebe any demands and has not filed suit
9 against Ms. Kebe for defamation.

10 Again, it is the plaintiff's burden to prove that she
11 did not commit adultery, yet all you've heard from plaintiff
12 is her denying that she cheated on her husband when her
13 attorney asked. Can you really trust a person who encourages
14 others to, quote, cheat, cheat, cheat, but she didn't follow
15 her own advice? You didn't even hear any testimony from
16 plaintiff regarding the impact this adultery allegation has
17 had on her marriage. What impact could it possibly have on a
18 marriage where the husband is constantly being caught for his
19 infidelity?

20 Plaintiff has failed to prove by a preponderance of
21 the evidence that she did not commit adultery. Therefore,
22 plaintiff's claim that Ms. Kebe made a false and defamatory
23 statement when she said plaintiff cheated on her husband
24 fails, and my clients cannot be found liable for that
25 statement.

1 The plaintiff has failed to prove by a preponderance
2 of the evidence that Ms. Kebe made any false and defamatory
3 statements about plaintiff. Therefore, Ms. Kebe cannot be
4 found liable for plaintiff's defamation claim or any of
5 plaintiff's other claims.

6 You should select not liable on the verdict form, and
7 your job would be done. However, if you believe that
8 plaintiff proved by a preponderance of the evidence that
9 Ms. Kebe made a false and defamatory statement about the
10 plaintiff, then you have to move on to the next step of your
11 inquiry, which is actual malice.

12 The plaintiff must prove by clear and convincing
13 evidence that Ms. Kebe acted with actual malice. Judge Ray
14 will charge you that clear and convincing evidence is a higher
15 standard of proof than proof by a preponderance of the
16 evidence. It means the evidence must persuade you that the
17 claim or fact is highly probable or reasonably certain.
18 Again, the burden of proof is on the plaintiff.

19 Judge Ray will also instruct you that actual malice
20 is not spite or ill will or even outright hatred. Actual
21 malice is a defendant's actual knowledge that a statement is
22 false or a defendant's reckless disregard as to a statement's
23 truth or falsity. Reckless conduct is not measured by whether
24 a reasonably prudent person would have published a statement
25 or would have investigated before publishing. Rather, the

1 evidence must show in a clear and convincing manner that
2 Ms. Kebe, in fact, entertained serious doubts as to the truth
3 of the statements.

4 So if the plaintiff gets up here and argues that a
5 reasonable person would have done -- wouldn't have done what
6 Ms. Kebe did, that is not an acceptable argument for actual
7 malice. Instead, the plaintiff must prove by clear and
8 convincing evidence that Ms. Kebe had actual knowledge that
9 her statements were false or that Ms. Kebe entertained serious
10 doubts about the truth of the statements.

11 Consider all the information that we just discussed
12 about each alleged defamatory statement and how plaintiff has
13 failed to prove that those statements are false. That means
14 the plaintiff has automatically failed to prove actual malice.
15 However, I do want to highlight some additional evidence that
16 you've already heard during the trial which shows that
17 Ms. Kebe had no malice when she published stories about the
18 plaintiff. In fact, this evidence shows that Ms. Kebe
19 investigated the stories and believed them to be true.

20 (Whereupon, a video recording was played.)

21 MS. IZMAYLOVA: In those clips Ms. Kebe makes it very
22 clear that she is not publishing false stories about the
23 plaintiff, that she, in fact, investigates her stories and
24 that she has absolutely no malice toward the plaintiff. You
25 also heard Ms. Kebe testify that she did not build her YouTube

1 channel for the purpose of harassing plaintiff. Ms. Kebe
2 testified that she has not engaged in a malicious campaign to
3 defame the plaintiff. Ms. Kebe testified that she has never
4 made up a story about the plaintiff which she knew was false
5 and reported it as the truth. And, most importantly, Ms. Kebe
6 testified that the main source of all of her information about
7 the plaintiff has been the plaintiff's own statements and
8 admissions.

9 The plaintiff did not call any of her stripper
10 friends to come testify in this trial. The plaintiff did not
11 call Lovelyti to come testify, and despite Ms. Matz making a
12 spectacle about all the alleged Lovelyti receipts, the
13 plaintiff did not present even one receipt from Lovelyti which
14 would have proven that Starmarie Jones was lying. In fact,
15 the only Lovelyti receipts you all saw were in Ms. Kebe's
16 September 21st, 2018, video, and they were photoshopped so
17 they couldn't be used to prove anything.

18 (Whereupon, a video recording was played.)

19 MS. IZMAYLOVA: The plaintiff has presented no
20 credible evidence of actual malice and has failed to prove by
21 clear and convincing evidence that Ms. Kebe published any
22 stories about plaintiff with actual malice. Therefore,
23 plaintiff's defamation claim fails, and my clients cannot be
24 found liable for defamation.

25 Plaintiff's next claim is for invasion of privacy

1 false light. Judge Ray will instruct you that in order to win
2 on this claim with respect to a statement, first the plaintiff
3 must prove by a preponderance of the evidence that the
4 statement created a false impression by depicting her to the
5 public as something or someone she's not. Second, the
6 plaintiff must prove by a preponderance of the evidence that
7 the false impression created by the statement would be highly
8 offensive to a reasonable person. And, finally, the plaintiff
9 must prove by clear and convincing evidence that Ms. Kebe
10 acted with actual malice when publishing the statement.

11 The plaintiff has built her entire career using the
12 persona of an extremely promiscuous woman who promotes
13 prostitution, drug use, fighting, sleeping around, and getting
14 money in any way possible. Even if any of the statements
15 Ms. Kebe made about the plaintiff were false, which they are
16 not, plaintiff would never be able to prove that these
17 statements depicted her as someone she is not. In fact, these
18 statements describe exactly who the plaintiff has always told
19 us that she is.

20 Because the plaintiff cannot prove the first
21 requirement of her invasion of privacy claim, the entire claim
22 fails. Also, as we've already discussed, plaintiff has
23 presented no credible evidence of actual malice and has failed
24 to prove by clear and convincing evidence that Ms. Kebe made
25 any statements about plaintiff with actual malice. Therefore,

1 plaintiff's invasion of privacy false light claim fails, and
2 my clients cannot be found liable for invasion of privacy.

3 Plaintiff's next claim is for intentional infliction
4 of emotional distress. Given that plaintiff has failed to
5 prove her defamation claim and her invasion of privacy claim,
6 the law prohibits plaintiff from recovering for intentional
7 infliction of emotional distress, which I'm going to call IIED
8 for short in this argument.

9 Judge Ray will instruct you that defamatory remarks
10 made to the public in general are classic examples of conduct
11 that, though harmful to plaintiff, was directed toward the
12 hearer of the statements, not to the plaintiff and, thus, is
13 not actionable as IIED. In this case every statement Ms. Kebe
14 made was to her viewers AKA the public. Therefore, plaintiff
15 cannot use any of those statements as a basis for an IIED
16 claim. Even if Ms. Kebe's statements weren't made to the
17 public, plaintiff's IIED claim would still fail because
18 plaintiff has not presented any evidence to prove the four
19 essential elements of an IIED claim.

20 Judge Ray will instruct you that to establish an IIED
21 claim, the plaintiff must prove by a preponderance of the
22 evidence that, first, Ms. Kebe engaged in conduct that caused
23 the plaintiff to suffer emotional distress; second, Ms. Kebe's
24 conduct was extreme and outrageous. Conduct that can be
25 characterized as merely vulgar, tasteless, rude or insulting

1 is not sufficient for this claim; third, Ms. Kebe intended to
2 cause the plaintiff emotional distress; and, fourth, that the
3 emotional distress plaintiff suffered was severe. The law
4 intervenes only where the distress inflicted is so severe that
5 no reasonable person could be expected to endure it.

6 When I was questioning the plaintiff, she testified
7 that in 2019 she won a Grammy. She won Top Female Rap Artist
8 at Billboard Music Awards. She purchased her dream house in
9 Atlanta. She testified that in 2020 she collaborated with
10 Megan Thee Stallion, which is another rap artist, and they
11 released a song called *WAP*, which was a huge hit. She also
12 became the first female rapper to be named Woman of the Year
13 at the Billboard Women in Music Awards.

14 The plaintiff testified that in 2021 she flew to
15 Paris for Fashion Week. She hosted the American Music Awards
16 and even won an award for her song called *Up*. She signed with
17 Warner Chappell Music. She purchased a home in New York. She
18 released a vodka whipped cream called Whipshots. She
19 collaborated with Halle Berry on a soundtrack for a movie
20 called "Bruised." She became the first female rapper to earn
21 three diamond singles. She was named the Creative Director
22 for Playboy, and at the end of 2021 she gifted her husband
23 \$2 million for his birthday. Those were just some of the
24 plaintiff's personal and professional accomplishments from the
25 last three years.

1 The plaintiff also testified on direct examination
2 that since the end of 2018, she has been feeling depressed,
3 sleeping constantly, and was even having suicidal thoughts as
4 a result of Ms. Kebe's alleged conduct. Ladies and gentlemen,
5 how can a person who is depressed and constantly sleeping
6 accomplish all of these things that plaintiff has accomplished
7 and more?

8 Also, please remember that Dr. Blake, who testified
9 to having over 30 years of clinical psychology experience, did
10 not note anything about the plaintiff being suicidal in her
11 therapeutic coaching summary from the November 2020 sessions.
12 Dr. Blake did specifically note that plaintiff denied any
13 suicidal or homicidal ideations in her coaching summary from
14 the November 2018 sessions.

15 Obviously, suicide is very serious, which is why I
16 find it extremely hard to believe that a clinical psychologist
17 with over 30 years of experience would have forgotten to write
18 down that her patient reported suicidal thoughts.

19 THE COURT: All right. So the same problem is that
20 counsel cannot vouch for testimony and offer personal opinion.
21 You can certainly argue to the jury what makes sense, but you
22 can't put yourself in the place of the jurors.

23 MS. IZMAYLOVA: Yes, sir.

24 THE COURT: So that statement likewise is improper,
25 and the Court instructs the jury to disregard it.

1 MS. IZMAYLOVA: Ask yourself whether it makes sense
2 that a clinical psychologist with over 30 years of experience
3 would have forgotten to write down or note anywhere in the
4 coaching summary that her patient reported suicidal thoughts.
5 In fact, it's shocking that Dr. Blake would have classified
6 her sessions with the plaintiff as, quote, great if the
7 plaintiff did report having suicidal thoughts during those
8 sessions.

9 Also, the plaintiff did not call her husband, any of
10 her family members or anyone from her management team to the
11 stand. These people could have testified to plaintiff's mood
12 and behavior as they observed it, but plaintiff chose not to
13 present any such evidence. Ask yourselves why you didn't hear
14 from her family members or her management team who were
15 allegedly worried about her at that time.

16 Plaintiff has failed to prove by a preponderance of
17 the evidence the four essential elements of an IIED claim.
18 Furthermore, plaintiff has failed to prove by a preponderance
19 of the evidence that Ms. Kebe's statements were directed at
20 the plaintiff and not at the public in general. Therefore,
21 plaintiff's claim for intentional infliction of emotional
22 distress fails, and my clients cannot be found liable for this
23 claim.

24 Since we're on the topic of plaintiff's therapy,
25 let's talk about it in a little bit more detail. Dr. Blake

1 testified that she offers a variety of services for her
2 patients. Specifically, she said that she offers traditional
3 therapeutic services, which Dr. Blake described as traditional
4 therapy, but she also offers therapeutic coaching, which
5 Dr. Blake described as coaching for individuals or couples who
6 may not need therapy but need some therapeutic guidance.

7 Dr. Blake traveled to New York in the beginning of
8 November 2018 to conduct 8 hours of therapeutic coaching. If
9 you look at Dr. Blake's invoices from 2020, it shows that she
10 charges \$250 per hour for individual therapeutic coaching.
11 Now, if you look at Dr. Blake's invoice from 2018, it shows
12 that she charged plaintiff \$3200 for 8 hours of therapeutic
13 coaching. If she was only seeing plaintiff alone in New York,
14 that charge should have been \$2,000 for 8 hours, not 3200.
15 It's more likely that Dr. Sherry was seeing both the plaintiff
16 and her husband for couples coaching.

17 We also have the text messages from Johnny Lester
18 sent on Dr. Blake's behalf. I know that Dr. Blake tried to
19 distance herself from Johnny Lester when I was questioning
20 her, but his name and his signature are on Dr. Blake's
21 November 2018 invoice. So there's no doubt that he worked
22 with Dr. Blake.

23 On November 5th of 2018 Johnny Lester wrote that
24 Dr. Blake's second session with plaintiff went very well. The
25 plaintiff was heading to the DR, and Dr. Blake was hoping this

1 could be a time for plaintiff and her husband to have some
2 down time. Dr. Blake also did not want any other people to
3 come on the trip, and if issues arose while they were on
4 vacation, Dr. Blake would make herself available.

5 Then on February 11th, 2019, Johnny Lester again
6 texted that plaintiff told Dr. Blake she would not be
7 continuing services. If you recall, plaintiff testified that
8 on December 5th, 2018, she announced that she was splitting
9 from her husband. That is only one month after Dr. Blake's
10 visit to New York and only one month after Dr. Blake expressed
11 the hope that plaintiff and her husband have some down time on
12 their vacation. Plaintiff also testified that on
13 January 31st, 2019, she announced that she had reconciled with
14 her husband, and not even two weeks later plaintiff tells
15 Dr. Blake that she won't be continuing with her services.

16 The evidence is clear, and it shows that plaintiff
17 and her husband were having problems and they sought
18 therapeutic coaching from Dr. Blake. And once they
19 reconciled, plaintiff fired Dr. Blake. Please remember that
20 Dr. Blake did not write the summary from the 2018 session
21 until October 26, 2020, specifically for this lawsuit, which
22 is why that summary mirrors a lot of the plaintiff's claims.
23 Dr. Blake admitted that all the information in the summary
24 about my client was self-reported by the plaintiff. Dr. Blake
25 also admitted that the plaintiff paid her to come to court and

1 testify.

2 Judge Ray will charge you that you should decide
3 whether you believe what each witness had to say and how
4 important that testimony was. You may believe or disbelieve
5 any witness, including experts, in whole or in part.

6 Dr. Blake and the plaintiff both testified that she
7 had seen the plaintiff in 2021 and 2022. However, the
8 plaintiff did not present any evidence to corroborate those
9 sessions. We have Dr. Blake's invoice from 2018. We have two
10 invoices from 2020. Why don't we have any invoices from 2021
11 and 2022? Plaintiff is at this trial in this moment
12 attempting to recover for monetary damages, so why wouldn't
13 she want to be reimbursed for her therapy sessions in 2021 and
14 2022? Does that make any sense?

15 Mr. Sabbak told you in his opening statement that the
16 real reason plaintiff filed this lawsuit is because plaintiff
17 could not put her hands on Ms. Kebe.

18 (Whereupon, a video recording was played.)

19 MS. IZMAYLOVA: Plaintiff even told one of her
20 friends that she wanted to kill Ms. Kebe, and throughout this
21 trial plaintiff has balled up her fists, mouthed words to
22 Ms. Kebe while she was on the stand. Plaintiff would be
23 visibly aggressive -- and I asked her about it -- to the point
24 where her attorney had to push her back down in her seat.

25 Plaintiff has stated from the very beginning that she

1 was going to make an example of Ms. Kebe and, quote, take all
2 her fucking bread, end quote, which plaintiff admitted means
3 that she wanted to take all of Ms. Kebe's money.

4 (Whereupon, a video recording was played.)

5 MS. IZMAYLOVA: This lawsuit is not a gain for
6 Ms. Kebe and her family. They're leaving their business and
7 livelihood in your hands, and we trust that after you review
8 all the evidence and consider all the evidence that was not
9 presented, you will undoubtedly find that my clients are not
10 liable for defamation, my clients are not liable for invasion
11 of privacy false light, and my clients are not liable for
12 intentional infliction of emotional distress. Thank you.

13 THE COURT: All right. Thank you. We're ready to
14 hear the rest of the plaintiff's presentation.

15 MS. MOORE: Your Honor, I thought you said we'd have
16 a break before rebuttal.

17 THE COURT: Well, that depended on when we took the
18 other break, which we did, so we're ready to go forward at
19 this point.

20 MS. MOORE: Okay. Thank you, your Honor. Just one
21 second, your Honor.

22 (Brief Pause.)

23 MS. MOORE: Juries are the backstop in our society
24 that prevent us from going into the abyss, that prevent us
25 from becoming a place where anybody can say literally anything

1 about anyone no matter how provably false, how offensive, how
2 vile, for profit. You all are smart people. You know that
3 it's important to tell the truth. It's important for children
4 to tell the truth. It's important for parents to tell the
5 truth. It's important for witnesses to tell the truth. It's
6 important for parties to tell the truth, and it's certainly
7 important for lawyers to tell the truth.

8 It is absolutely unacceptable that defense counsel
9 just sat here and made up things out of whole cloth, just
10 completely made up things. She and her partner knew exactly
11 what their client does. They literally think they can say
12 whatever they want with no proof, and it's okay, that she can
13 look at you in the face and say my client has cold sores, even
14 though we have a test from one of most prestigious medical
15 institutions in the United States proving that she does not
16 have herpes, that she could say, oh, obviously Dr. Blake
17 worked with Offset in New York because there's a discrepancy
18 about the price of her services.

19 Dr. Blake charges more for traveling to New York.
20 Offset was not in New York, and defense counsel just made this
21 up. I'm not even sure how she's able to do that.

22 But as we're going through the things she talked
23 about, I want you to remember two things. Judge Ray will
24 instruct you that what the lawyers are saying is not evidence.
25 I want you to think about what the evidence has shown you over

1 the past two weeks.

2 Defense counsel said that the Kebes are fighting for
3 their business, their livelihood. Well, I hate to tell them
4 that this is not a lawful business. The law does not allow
5 you to run a business and profit off somebody else's emotional
6 distress. That's the entire reason we have defamation law.

7 She said that it was disingenuous, the case that we
8 presented. What is disingenuous is Mr. Sabbak in his opening
9 statement telling you that you are going to see proof that
10 Cardi lived with Starmarie Jones. He said that in his opening
11 statement. Where's the proof? Cardi testified credibly that
12 she never lived with Starmarie Jones. Ash Cash, Spotlight,
13 Shawn Taloran, all the people that knew Cardi at that time
14 directly messaged in the comments to Tasha K that everything
15 Starmarie Jones was saying was a load of shit. Excuse my
16 language.

17 And you heard Tasha K admit on the witness stand that
18 notwithstanding that those comments when read clearly say that
19 what Starmarie Jones was saying was false, that she was
20 telling her viewers that it supported what Starmarie Jones was
21 saying. And then defense counsel got up here and played you
22 the same clip and spouted the same lie that their client did
23 in that video. See these receipts. Their evidence that
24 Starmarie Jones lived with Cardi. That's ridiculous.

25 They have not shown you anything. The only thing

1 they've done is tell you, like a child, that we haven't proven
2 our case when, in fact, you know we have established every
3 single element of each cause of action with clear and
4 convincing evidence just like Ms. Matz told you we would.
5 They literally think they get to come into court and tell you
6 that my client cheated on her husband with no proof. They
7 think they can just stand up here and say that my client's
8 husband cheated on her. Where's the proof of that?

9 As Ms. Izmaylova said, you can use reasoning and
10 common sense. Does it make sense that these people should be
11 able to say whatever they want about whoever they want
12 whenever they want no matter what it is, no matter how vile
13 and disgusting and profit off of it? Does that make sense?

14 And then she says -- she points to the fact that we
15 didn't play the whole beer bottle video or the Starmarie Jones
16 interview. Why did we abruptly cut it off like we were hiding
17 something from you. We didn't play it because I am trying to
18 avoid my client being anymore triggered than she already has
19 been in the past three and a half years.

20 Why should my client be forced to watch the entirety
21 of that video where that woman says knowing lies or the
22 defendants repeat those same knowing lies? Where she has to
23 watch a woman taking a beer bottle from a patron, putting it
24 up her vagina, pleasuring herself, giving it back to the
25 patron and drinking it before she gave it back? Why do I have

1 to put that into evidence? It's obvious that's not my client.
2 Tasha K admitted that that was not my client. She said -- we
3 went through all the tattoos. Remember? There are obviously
4 no tattoos on that woman.

5 She knew it was not my client before she published
6 those statements. She knew that there were news articles
7 saying it was not my client. She later knew that my client
8 denied it was her. She knows it was not my client, but yet
9 all those videos saying that my client is fucking herself with
10 a beer bottle are still up. If that is not actual malice, I
11 don't know what is.

12 And I want to say something about this whole genital
13 herpes thing. Tom, if you could please put up P-542.

14 THE COURT: So I'm sorry. What's the number again?

15 MS. MOORE: P-542, your Honor.

16 THE COURT: I don't have P-542 as admitted into
17 evidence.

18 MS. MATZ: It's 276.

19 MS. MOORE: Oh, it's 276? We have a duplicate. I'm
20 sorry, your Honor. Plaintiff's Exhibit 276. Apologies. It's
21 a duplicate.

22 What has happened over the entirety of this case as
23 the defendants realize they are trapped and they've said
24 herpes and herpes and herpes over and over and over again,
25 then they started to say, oh, no, we were only talking about

1 cold sores, we were only talking about her mouth. But you've
2 heard testimony and videos where you've seen Tasha K talking
3 about Cardi's vagina. I mean, look at this post. Awwh
4 @iamatcardib. I thought we left you and your confirmed
5 irritated pussy in 2018. What does an irritated pussy have to
6 do with a cold sore on somebody's mouth?

7 The other reason we didn't play every second of every
8 video is that we have respect for the jury. We have 500 hours
9 of video in this case. Why didn't we bring in all of Cardi's
10 friends and family and her management team to testify about
11 how emotionally distraught she was? Because we didn't want
12 you to be here for three months. My client credibly testified
13 that she was suffering extreme emotional distress.

14 Dr. Blake, with more than a hundred thousand hours of
15 clinical experience, told you that my client was suicidal,
16 that she was in severe mental distress, and yet the defense
17 counsel gets up and says Dr. Blake must be lying. She's lying
18 to you. She was really seeing Offset and my client for
19 marital therapy. You just made that up. You don't get to
20 just make up stuff in the courtroom. People don't just get to
21 make up stuff and say it because they want to with no
22 evidence. What would it matter if we played the whole video?
23 Would the context change? No.

24 Mr. Sabbak also said in his opening statements,
25 speaking of disingenuous, that they would prove that every

1 allegation, every defamatory statement, was true. Think about
2 that. There is not a single shred, not one atom of evidence
3 that proves my client cheated on her husband or did cocaine or
4 was in the beer bottle video or has herpes or HPV or was a
5 prostitute, and they think they just get to say that with no
6 proof, when we've proven to you conclusively that those things
7 are false and that the defendants published them as statement
8 of facts.

9 I mean, it's like Alice in wonderland. She admitted
10 on the stand that she published these as statement of facts,
11 and then defense counsel gets up here and says she didn't
12 publish them as statement of facts. You heard her testimony.

13 She also talks about the test results, the alleged
14 test results, the alleged test results from UCLA. This is
15 absurd. My client clearly testified that those are her
16 aliases. For privacy and security and safety reasons she uses
17 aliases, like every celebrity on the planet. And they somehow
18 want to suggest that those aren't legitimate test results?
19 Does that make any sense to you? My client does not have cold
20 sores. My client's husband does not have cold sores.

21 The defendants are not doctors. They didn't call an
22 expert witness. Their lawyers are not doctors, and they sit
23 here and tell you that my client has cold sores, even though
24 my client does not have cold sores, and we have negative
25 herpes test results.

1 And going back to the genital herpes for one moment,
2 in Plaintiff's Exhibit 542, which was admitted, Starmarie
3 said -- she was referencing Cardi -- Cardi has herpes. I've
4 never fucking said it. Why? Because I don't give a shit what
5 she's got on her goddamned mouth or what she has on her
6 vagina, whether it's herpes 1 or herpes 2. But she's already
7 admitted to having cold sores, which is a form of the fucking
8 herpes virus.

9 What does a vagina have to do with a cold sore on a
10 mouth? Nothing. Obviously, they're referencing genital
11 herpes. In her deposition -- and you heard this on the
12 witness stand -- Tasha K admitted that she didn't know if our
13 client had herpes, and she admitted that she's known about the
14 test results since we gave them to her lawyers. The herpes
15 test result came to us September 22nd. We gave it to them
16 September 22nd. The HPV result came to us September 28th. We
17 gave it to them September 29th, within 24 hours, and yet she
18 has the audacity and her lawyers have the audacity to stand up
19 before you and say that she has herpes and cold sores.

20 She then references Azealia Banks, and she said,
21 Cardi testified that she's never sued anybody else except for
22 my client. Again that's a complete falsehood. You heard my
23 client say that apart from the defendants, she's also sued
24 Starmarie Jones for these same set of defamatory lies. You
25 heard me say that, and yet you got up here and completely

1 twisted and misrepresented my client's testimony.

2 You then talk about Offset. You think that -- you
3 just said without any basis that he has cold sores because you
4 point to a photo, even though Tasha has admitted that she
5 posts photos that may be doctored, she doesn't know where they
6 came from. And you suggest that because Offset has not filed
7 suit against your clients, it must be true, that it's some
8 admission of the fact that he has a cold sore.

9 But in this same breath Tasha already told us, she
10 testified, that if somebody says something about a celebrity
11 that's false and defamatory, they should leave it alone,
12 especially if it's not true. So maybe Offset just took your
13 advice.

14 When she said in that video -- you saw it -- I know
15 you have HPV, she said it as a statement of fact, and she has
16 admitted repeatedly on the stand that when she says those
17 things, she says them as statements of fact. Over and over
18 and over again she's admitted that she didn't say opinion,
19 that she never said allegedly, that she never said fake news,
20 that what she was presenting to her viewers was fact.

21 And then the whole video. This is -- they have no
22 proof that my client has ever committed prostitution. Not a
23 single person has come into this courtroom to say that they
24 engaged in prostitution with my client. It's not somebody
25 else that allegedly tricked with her, not any man that she was

1 ever paid by for sex. They have absolutely no evidence, and
2 my client credibly testified that she's never been a
3 prostitute.

4 But what they use as their evidence is a video of
5 Cardi calling herself a ho, which, as Cardi testified, means
6 bitch in slang. I mean, that's a -- their argument is a joke,
7 and it's even more of a joke because you heard Tasha K on the
8 stand refer to another woman as a ho, and my co-counsel
9 specifically asked Tasha K, were you referring to her as
10 prostitute? No. I was just like calling her a bitch. I use
11 the word "ho" all the time.

12 And then, and then the next piece of evidence is that
13 Cardi lives everything she raps. As my client testified on
14 rebuttal last week, she's never rapped nor have they produced
15 any rap lyric that she cheated on Offset, that she has herpes,
16 that she has HPV, that she's been a prostitute, that she put a
17 beer bottle up her vagina. Rap songs are forms of artistic
18 expression. So even if Cardi had said those things in her
19 lyric, which she testified that she did not do and which they
20 have no evidence of, do people believe that lyrics are always
21 true? I mean, that's ridiculous, talk about taking something
22 out of context.

23 When Charlie Daniels released *Devil Came Down to*
24 *Georgia* in 1979, do people think that Charlie Daniels
25 witnessed little Johnny and the devil actually having a battle

1 of fiddles? That's absurd. I can't even believe they're
2 saying these things. Taking some piece of a lyric or what she
3 said in the video completely out of context when there's no
4 evidence to support it?

5 And even if you believe that the genre of rap is
6 different and you have implicit bias and you assume that
7 rappers have done everything they rap about, Cardi has been
8 very clear she's never rapped about any of those things. She
9 testified that she said tricks, not tricked, in one of those
10 videos, and she was referencing a consensual relationship, her
11 boyfriend.

12 And then they want to call Cardi a drug user, but
13 you'll remember that I put a very long list of drugs before
14 Cardi to see if she'd done it. Here's the list. These are my
15 notes. Do you remember the first one I asked her? Have you
16 done cocaine? No. Have you done crack cocaine? But yet
17 Ms. Izmaylova got up here and told you that my client did not
18 testify that she has never done cocaine.

19 They make the statement that my client is not
20 religious with no basis. That's highly offensive. My client
21 is a person of strong faith, and she repeatedly testified
22 about the importance of her faith to her. She prays multiple
23 times a day. You don't just get to stand up here and say my
24 client isn't religious.

25 And let's talk about Starmarie Jones for a minute.

1 Tasha admitted that she knew Starmarie Jones was a liar, that
2 she says in these videos no less than 12 times that Starmarie
3 Jones is mentally ill, that she thought she was mentally ill,
4 she subjectively thought Starmarie Jones was mentally ill, and
5 everybody else did too and that she lied about her -- she had
6 a long criminal history, was a violator of probation.

7 Even if you assume for a moment that she
8 fantastically believed Starmarie Jones to be credible, that is
9 irrelevant. As the judge will instruct you, a defendant
10 cannot overcome a finding of actual malice by testifying that
11 she believed the statements were true. You must determine
12 whether the statement was indeed published in good faith. A
13 defendant cannot profess good faith when her statements are so
14 inherently improbable that only a reckless person would have
15 put these into circulation.

16 Likewise -- and this is very important --
17 recklessness can be found where there are obvious reasons to
18 doubt the veracity of the source for the statement. What are
19 more obvious reasons than somebody is mentally ill, has a
20 lengthy criminal record, violated probation, and has already
21 lied to you, and you know she lied to you?

22 THE COURT: All right. Ms. Moore, I'm sorry. You're
23 out of time. You're going to need to stop.

24 MS. MOORE: Thank you, your Honor.

25 THE COURT: Thank you. I'm going to -- ladies and

1 gentlemen, I'm going to read you the jury instructions.
2 They're not too long. They're about 18 pages. If anyone
3 wants to leave the courtroom before I do that, you should do
4 it now because it's not going to allow anyone to come and go
5 during the time that I'm reading the instructions. So I'm not
6 going to have self-esteem problems that so many people are
7 leaving before I read you the law.

8 Ladies and gentlemen, I'm going to read you the law.
9 I want you to understand you're not going to have to memorize
10 it because I will send out written instructions with you to
11 have to look at, to refer to. You certainly can take notes on
12 what I tell you if you want to, but I just want you to know
13 you will have the written instructions with you.

14 Ladies and gentlemen, it's my duty to instruct you on
15 the rules of law that you must use in deciding this case, and
16 when I finish, you'll go to the jury room to begin your
17 deliberations, sometimes called deliberations -- I'm sorry --
18 your discussions sometimes called deliberations.

19 Your decision must be based only on the evidence
20 which has been presented in this courtroom over the last few
21 weeks. You must not be influenced in any way by either
22 sympathy for or prejudice against anyone.

23 You must follow the law as I explain it -- even if
24 you don't agree with the law -- and you must follow all of my
25 instructions as a whole. You must not single out or disregard

1 any of the instructions on the law.

2 The fact that a limited liability company or LLC is
3 involved as a party must not affect your decision in any way.
4 An LLC and all other persons stand equal before the law and
5 must be dealt with as equals in a court of justice. When an
6 LLC is involved, of course, it may act only through people as
7 its employees; and, in general, an LLC is responsible under
8 the law for the acts and statements of its employees that are
9 made within the scope of their duties as employees of the
10 company.

11 As I said before, you must only consider the evidence
12 that I have admitted in the case. Evidence includes the
13 testimony of the witnesses and the exhibits that have been
14 admitted, and the videos that you've seen are exhibits and
15 other photocopies of things. But anything that the lawyers
16 have said is not evidence and isn't binding on you.

17 And you shouldn't assume from anything that I've said
18 that I have an opinion about any factual issue in this case.
19 Except for my instructions to you on the law, you should
20 disregard anything I may have said during the trial in
21 arriving at your own decision about the facts.

22 Your own recollection and interpretation of the
23 evidence is what matters.

24 In considering the evidence, you may use reasoning
25 and common sense to make deductions and reach conclusions.

1 You shouldn't be considered (sic) about whether the evidence
2 is direct or circumstantial.

3 Direct evidence is the testimony of a witness who
4 asserts that he or she has actual knowledge of a fact, such as
5 an eyewitness.

6 And circumstantial evidence is the proof of a chain
7 of facts and circumstances that tend to prove or disprove a
8 fact. There's no legal difference in the weight you may give
9 to either direct or circumstantial evidence.

10 When I say you must consider all the evidence, I
11 don't mean that you must accept all the evidence as true or
12 accurate. You should decide for yourselves whether you
13 believe what each witness had to say and how important that
14 testimony was. And in making your decision, you may believe
15 or disbelieve any witness, in whole or in part. The number of
16 witnesses testifying concerning a particular point doesn't
17 necessarily matter.

18 To decide whether you believe any witness, I suggest
19 that you ask yourself a few questions: Did the witness
20 impress you as someone who was telling the truth? Did the
21 witness have any particular reason not to tell the truth? Did
22 the witness have a personal interest in the outcome of the
23 case? Did the witness seem to have a good memory? Did the
24 witness have the opportunity and ability to accurately observe
25 the things about which he or she testified? Did the witness

1 appear to understand the questions clearly and answer them
2 directly? Did the witness's testimony differ from other
3 testimony or other evidence?

4 You should ask yourselves whether there was evidence
5 that a witness testified falsely about an important fact. And
6 ask whether there was evidence that at some other time a
7 witness said or did something, or didn't say or do something,
8 that was different from the testimony the witness gave during
9 the trial.

10 But keep in mind that a simple mistake doesn't mean a
11 witness wasn't telling the truth as he or she remembers it.
12 People naturally tend to forget some things or remember them
13 inaccurately. So if a witness misstated something, you must
14 decide whether it was because of an innocent lapse in memory
15 or due to an intentional deception. The significance of your
16 decision may depend on whatever the misstatement is about an
17 important fact or an unimportant detail.

18 When scientific, technical, or other specialized
19 knowledge might be helpful, a person who has special training
20 or experience in that field is allowed to state his or her
21 opinion about a matter.

22 But that doesn't mean that you must accept that
23 witness's testimony or opinion. As with other witness's
24 testimony, you must decide for yourself whether to rely upon
25 the opinion stated.

1 In this case it is the responsibility of the
2 plaintiff to prove every material part of her claims by what
3 we call a preponderance of the evidence. This is sometimes
4 called the burden of proof or the burden of persuasion.

5 A preponderance of the evidence simply means an
6 amount of evidence that is enough to persuade you that the
7 plaintiff's claim is more likely true than not true.

8 If the proof fails to establish any essential part of
9 a claim or contention by a preponderance of the evidence, then
10 you should find against the plaintiff as to that claim.

11 When one or more claim is involved, you should
12 consider each claim separately.

13 In deciding whether any fact has been proven by a
14 preponderance of the evidence, you may consider testimony of
15 all the witnesses, regardless of who may have called them, and
16 all of the exhibits received into evidence regardless of who
17 may have produced them.

18 If the proof fails to establish any part of a
19 plaintiff's claim by a preponderance of the evidence, then you
20 should find for the defendants as to that claim.

21 Sometimes a party has the burden of proving a claim
22 by a different standard that we call clear and convincing
23 evidence. This is a higher standard of proof than proof by a
24 preponderance of the evidence, but less than what we call
25 beyond a reasonable doubt. It means that the evidence must

1 persuade you that that claim or fact is highly probable or
2 reasonably certain. I will tell you when to apply this
3 standard as it relates to the plaintiff's claims.

4 Now let me talk a little bit about the plaintiff's
5 claims.

6 The plaintiff first claims that the defendants
7 defamed her. To establish this claim, the plaintiff must
8 prove the following:

9 First, the plaintiff must prove by a preponderance of
10 the evidence that the defendant made a false and defamatory
11 statement concerning the plaintiff. The plaintiff claims that
12 the defendants made the following statements: That the
13 plaintiff has herpes and HPV, that she was a prostitute, that
14 she used cocaine, that she engaged in a debasing act with a
15 beer bottle, and that she committed adultery.

16 Second, the plaintiff must prove by a preponderance
17 of the evidence that the statement was published, which means
18 that the statement was communicated to anyone other than the
19 plaintiff.

20 And, third, the plaintiff must prove by clear and
21 convincing evidence that the defendant acted with actual
22 malice.

23 Actual malice is not spite or ill will, or even
24 outright hatred. Rather, actual malice is a defendant's
25 actual knowledge that a statement is false or a defendant's

1 reckless disregard as to a statement's truth or falsity. The
2 knowledge of falsity or reckless disregard of the truth may
3 not be presumed nor derived solely from the language of the
4 publication itself. Reckless disregard requires clear and
5 convincing proof that a defendant was aware of the likelihood
6 she was circulating false information. Reckless conduct is
7 not measured by whether a prudent person would have published
8 a statement or would have investigated before publishing.
9 Rather, the evidence must show in a clear and convincing
10 manner that a defendant, in fact, entertained serious doubts
11 as to the truth of the statements. Publishing with such
12 doubts shows reckless disregard for truth or falsity and
13 demonstrates actual malice.

14 A defendant cannot overcome a finding of actual
15 malice by testifying that she believed that the statements
16 were true. You must determine whether the statement was
17 indeed published in good faith. A defendant cannot possess
18 good faith when her statements are so inherently improbable
19 that only a reckless person would have put them into
20 circulation. Likewise, recklessness may be found where there
21 are obvious reasons to doubt the veracity of the source for
22 the statement or the accuracies of the source's report.

23 Truth is a complete defense to defamation. And a
24 defamation action will lie only for a statement of fact. This
25 is because a statement that reflects an opinion or a

1 subjective assessment, as to which reasonable minds could
2 differ, cannot be proved false. As a result, a plaintiff who
3 claims that a published opinion defamed her would generally be
4 unable to carry her burden of proving the essential element of
5 falsity. Still there is no wholesale defamation exception for
6 anything that might be labeled an opinion. An opinion can
7 constitute actionable defamation if the opinion can reasonably
8 be interpreted, according to the context of the statement in
9 which the opinion appears, to state or imply defamatory facts
10 about which -- about the plaintiff that are capable of being
11 proven false.

12 If you find that one of the defendant's statements is
13 defamatory and that the statement imputed to the plaintiff a
14 crime punishable by law, such as adultery, prostitution, or
15 cocaine use, charged the plaintiff with having some contagious
16 disorder, charged the plaintiff of being guilty of some
17 debasing act which may exclude her from society, or is
18 otherwise injurious to the plaintiff on its face without the
19 aid of extrinsic proof, the law infers that the plaintiff has
20 suffered damages. In awarding such damages, your measure or
21 criterion is your enlightened conscience as impartial jurors.

22 If you find that one of the defendants' statements is
23 defamatory, but does not fit into one of the categories that
24 I've just talked about, then the plaintiff must prove, by a
25 preponderance of the evidence, that she suffered damages

1 actually flowing from the defamation in order to recover for
2 that statement. I'll talk a little bit more about damages in
3 just a moment.

4 If you determine with respect to one or more
5 statements that the plaintiff has proven defamation against
6 Defendant Kebe, but not against Defendant Kebe Studios, you
7 may still find that Kebe Studios is liable under this claim if
8 you find by a preponderance of the evidence that Defendant
9 Kebe published the statements as an alter ego of the company
10 or LLC. This means that Defendant Kebe holds a position with
11 the company such as president where she acts as the face of
12 the company when speaking to the public. The president of a
13 company is presumed to be its alter ego, but no such
14 presumption exists in favor of any other official of the
15 company.

16 The plaintiff next claims that the defendants invaded
17 her privacy and placed her before the public in a false light.

18 A single statement cannot form the basis of both a
19 defamation claim and a false light claim. So if you find that
20 the plaintiff has proven defamation with respect to a
21 statement, you do not need to consider whether that statement
22 also satisfies the elements of false light.

23 For either or both of the defendants to be liable for
24 false light with respect to a statement, the plaintiff must
25 prove the following:

1 First, the plaintiff must prove by a preponderance of
2 the evidence that the statement created a false impression by
3 depicting her to the public as something or someone she is
4 not.

5 Second, the plaintiff must prove by a preponderance
6 of the evidence that the false impression created by the
7 statement would be highly offensive to a reasonable person,
8 not a hypersensitive individual.

9 Third, and finally, the plaintiff must prove by clear
10 and convincing evidence that the defendant acted with actual
11 malice when publishing the statement.

12 Third -- or, lastly, the plaintiff's claim -- the
13 plaintiff claims that the defendants caused her to suffer
14 extreme emotional distress. To establish this claim, the
15 plaintiff must prove the following:

16 First, the plaintiff must prove by a preponderance of
17 the evidence that the defendant engaged in conduct that caused
18 the plaintiff to suffer emotional distress.

19 Second, the plaintiff must prove by a preponderance
20 of the evidence that the defendant's conduct was extreme and
21 outrageous.

22 And, third, the plaintiff must prove by a
23 preponderance of the evidence that the defendant intended to
24 cause plaintiff emotional distress or acted with reckless
25 disregard to whether the defendant's conduct would cause the

1 plaintiff to suffer emotional distress.

2 And, finally, fourth, the plaintiff must prove by a
3 preponderance of the evidence that the emotional distress she
4 suffered was severe.

5 To qualify as sufficiently extreme and outrageous to
6 sustain a claim for intentional infliction of emotional
7 distress, the conduct at issue must be so extreme in degree as
8 to go beyond all possible bounds of decency and to be regarded
9 as atrocious and utterly intolerable in a civilized society.

10 Conduct that can be characterized as merely vulgar,
11 tasteless, rude, or insulting is insufficient. Rather, the
12 conduct must be so abusive or obscene that reasonable people
13 would naturally assume that the target of such conduct would
14 experience intense feelings of humiliation, embarrassment,
15 fright or extreme outrage. The rule of thumb in determining
16 whether the conduct complained of was sufficiently extreme and
17 outrageous is whether the recitation of the facts to an
18 average member of the community would arouse her resentment
19 against the defendant so that she would exclaim "outrageous."

20 Emotional distress includes all highly unpleasant
21 mental reactions such as fright, horror, grief, shame,
22 humiliation, embarrassment, anger, chagrin, disappointment,
23 worry, and nausea.

24 It is only where it is extreme that liability arises.

25 The law intervenes only where the distress inflicted

1 is so severe that no reasonable person could be expected to
2 endure it.

3 Even malicious, willful or wanton conduct will not
4 warrant a recovery for infliction of emotional distress if the
5 conduct was not directed toward the plaintiff.

6 Defamatory remarks made to the public in general are
7 classic examples of conduct which, though harmful to the
8 plaintiff, was directed toward the hearer of the statements,
9 not to the plaintiff, and thus is not actionable as
10 intentional infliction of emotional distress.

11 All right. Now I'm going to talk and explain the law
12 on damages. Damages are given as pay or compensation for
13 injury done.

14 When one party is required to pay damages to another,
15 the law seeks to ensure that the damages awarded are fair to
16 both parties.

17 If you believe from a preponderance of the evidence
18 that the plaintiff is entitled to recover -- and keep in mind
19 that certain aspects of the claims require proof by clear and
20 convincing evidence -- you should award to the plaintiff such
21 sums as you believe are reasonable and just in the case.

22 Damages are given as compensation for an injury done,
23 and generally the injury is the measure when the damages are
24 of a character to be estimated in money. If the injury is
25 small or mitigating circumstances are strong, only nominal

1 damages are given and what would be a proper amount of nominal
2 damage, if that is what you decide, is a question for you to
3 decide under all the facts and circumstances of the case.

4 In all cases, necessary expenses resulting from the
5 injury are a legitimate item of damages.

6 As to medical expenses, such as hospital, doctor, and
7 medicine bills, the amount of the damages would be the
8 reasonable value of such expense as was reasonably necessary.

9 The plaintiff seeks damages for mental pain and
10 suffering. In making such award, if any, your standard should
11 be your enlightened conscience as impartial jurors. Questions
12 of whether, how much, and how long the plaintiff has suffered
13 or will suffer are for you to decide.

14 In evaluating the plaintiff's alleged pain and
15 suffering, you may consider the following factors, if proven:
16 Interference with normal living; interference with the
17 enjoyment of life; loss of capacity to labor and earn money;
18 impairment of bodily health and vigor; fear of extent of
19 injury; shock of impact; actual pain and suffering, past and
20 future; mental anguish, past and future; and the extent to
21 which the plaintiff must limit her activities.

22 If you find that the plaintiff's pain and suffering
23 will continue into the future, then you should award damages
24 for such future pain and suffering as you believe the
25 plaintiff will endure. In making such award, your standard

1 should be your enlightened conscience as impartial jurors.
2 You would be entitled to take into consideration the fact that
3 the plaintiff is receiving a present cash award for damages
4 not yet suffered.

5 The plaintiff seeks damages for injury to her
6 reputation, including possible future injury. In making such
7 award, your standard should be your enlightened conscience as
8 impartial jurors.

9 If you find that the defendants, plural, have acted
10 in concert to cause the plaintiff damages and that that fault
11 is indivisible, then you should find the defendants jointly
12 and severally liable for the full amount of damages, if any.

13 If you believe that the fault of the defendants is
14 divisible, meaning they did not act in concert to cause the
15 plaintiff damages, but instead separately contributed to the
16 harm, then you should apportion your award of damages
17 according to the percentage of fault of each of the
18 defendants.

19 In tort actions -- and the claims that are asserted
20 are what we call torts -- there may be aggravating
21 circumstances that warrant the awarding or imposing of
22 additional damages called punitive damages.

23 Before you may award punitive damages, the plaintiff
24 must prove that the defendant's actions showed willful
25 misconduct, malice, fraud, wantonness, oppression, or that

1 entire want of care that would raise the presumption of
2 conscious indifference to the consequences. The plaintiff
3 must prove that the defendants are liable for punitive damages
4 by a higher standard of proof than that which is required for
5 the proof of other damages; and that standard is by clear and
6 convincing evidence, as the Court has previously defined.

7 If the plaintiff fails to prove, by clear and
8 convincing evidence, that the defendant was guilty of willful
9 misconduct, malice, fraud, wantonness, oppression, or the
10 entire want of care that would raise the presumption of
11 conscious indifference to the consequences, then you would not
12 be authorized to award punitive damages.

13 Mere negligence, although amounting to gross
14 negligence, will not alone authorize an award of punitive
15 damages.

16 Punitive damages, when authorized, are awarded not as
17 compensation to the plaintiff, but solely to punish, penalize,
18 or deter a defendant. In your verdict you should specify
19 whether you do or do not decide that the plaintiff should
20 receive punitive damages.

21 If you decide to award punitive damages, you should
22 further specify whether you find that the defendant acted with
23 specific intent to cause harm. A party must -- a party
24 possesses specific intent to cause harm when the party desires
25 to cause the consequences of her act or believes that the

1 consequences are substantially certain to result from it.

2 Intent is always a question for the jury to decide, and it may
3 be shown by direct or circumstantial evidence.

4 Intent is ordinarily ascertained from acts and
5 conduct. You may not presume that defendant acted with
6 specific intent to harm, but intent may be shown in many ways,
7 provided that you, the jury, find that it existed from the
8 evidence produced. The jury may find such intent, or the
9 absence of it, upon the consideration of the words, conduct,
10 demeanor, motive, and all the other circumstances connected
11 with the alleged act.

12 The expenses of litigation generally should not be
13 allowed as part of damages; but where a defendant has acted in
14 bad faith, has been stubbornly litigious, or has caused the
15 plaintiff unnecessary trouble and expense, the jury may allow
16 them.

17 Of course, the fact that I've given you instructions
18 concerning the issue of the plaintiff's damages should not be
19 interpreted in any way as an indication that I believe that
20 the plaintiff should, or should not, prevail in this case.

21 Ladies and gentlemen, your verdict must be unanimous.
22 In other words, all of you must agree. Your deliberations are
23 secret, and you'll never have to explain your verdict to
24 anyone.

25 Each of you must decide the case for yourself, but

1 only after fully considering the evidence with your fellow
2 jurors. So you must discuss the case with one another and try
3 to reach an agreement. While discussing the case, don't
4 hesitate to reexamine your own opinion and change your mind if
5 you become convinced that you were wrong. But don't give up
6 your honest beliefs just because others think differently or
7 because you simply want to get the case over with.

8 And remember that, in a very real way, you're the
9 judges in this case, the judges of the facts. And your only
10 interest is to seek the truth from the evidence in this case.

11 So the first thing you should do when you go to the
12 jury room in a moment is to elect one of you as the
13 foreperson. It is the foreperson's responsibility to direct
14 your deliberations and speak for you when you return to court.
15 I have prepared a verdict form that will also go out with you,
16 and I will have a copy of the verdict form for each of you.
17 If and when the jury reaches a verdict, then you would only
18 fill out one of the forms and return that to court.

19 The verdict form is fairly long, partly because there
20 are two defendants and partly because there are three claims,
21 and then there's some subsidiary issues that you might reach
22 depending on your verdict, like attorneys' fees, expenses of
23 litigation, another way to say that, and/or punitive damages.

24 So the first question that the jury should decide --
25 and, you know, by the way, you can decide these in any order

1 you want. The first one on the list is this: We, the jury,
2 make the following findings regarding the defendants'
3 liability for the defamation claim. There's two separate
4 lines. As to Defendant Latasha Kebe, there's a blank for
5 liable and a blank for not liable. Whichever of those you
6 find, you would check that blank. And the same thing as to
7 Defendant Kebe Studios LLC, there's a blank for liable and a
8 blank for not liable, and you'd check whichever of those
9 applies.

10 The next question is we, the jury, make the following
11 findings of fact regarding the defendants' liability for the
12 plaintiff's invasion of false light. Same thing. There's a
13 section for Defendant Latasha Kebe and a separate line for
14 Defendant Kebe Studios, and then there's also a similar
15 category for the plaintiff's claim of intentional infliction
16 of emotional distress.

17 Then there's another section. Of course, if you find
18 that no -- if you do not find any liability of any defendant,
19 you can skip the rest of the verdict form. But if you do find
20 that one or more defendant has been liable for one or more
21 claims, then you would need to address the damages section of
22 the verdict form. That section says we, the jury, find that
23 the plaintiff has or has not proven by a preponderance of the
24 evidence, that she is entitled to recover damages.

25 If you find that she has, then there's three possible

1 category of damages. There's a line for general damages
2 defined as pain and suffering and/or reputational injury.
3 There's another section for medical expenses, and then there's
4 a total. So if you have anything in either of the first two
5 categories, then you would bring that total amount down to the
6 bottom.

7 There's a section of the verdict form under damages
8 that deals with whether or not you believe that the damages,
9 if any is awarded, should you find that a defendant is liable
10 for either of the three claims, has been proven to be
11 divisible or indivisible. And I'll give you an instruction
12 about how to make a decision as to whether or not any damages
13 are divisible or not divisible. If you find that any damages
14 are divisible, then you would write into that particular
15 section the percentage that would apply to the responsible
16 party.

17 As to defendant or Tasha Kebe, there's a section for
18 percent and the same thing as to Kebe Studios. Of course, if
19 you only found and should you only -- should you find any
20 defendant liable for anything and it's only one defendant,
21 then there's not -- and you decide that the corporation, for
22 example, or the LLC is not the alter ego or that the
23 individual is not an alter ego for the corporation or LLC,
24 rather -- excuse me -- then you would skip that percentage.
25 But all of that is defined in the instructions that I've

1 previously given you.

2 There's also a section for punitive damages set up
3 much like the rest of it. As to Defendant Latasha Kebe, you
4 must find, if you reach this section, that plaintiff has or
5 has not proven by clear and convincing evidence that Defendant
6 Latasha Kebe's actions showed willful misconduct, malice,
7 fraud, wantonness, oppression, or the entire want of care
8 which would raise the presumption of conscious indifference to
9 consequences.

10 If you find that the evidence has so shown that under
11 the standard of proof required, that punitive damages would be
12 appropriate against Latasha Kebe, then you would also have to
13 answer the question that says, the plaintiff has or has not
14 proven by clear and convincing evidence that Defendant Latasha
15 Kebe acted with specific intent to cause harm to the
16 plaintiff. And there's an exact similar section that would
17 apply to Kebe Studios LLC, same two questions.

18 And then, finally -- I'm sorry. I know this is a
19 long verdict form -- the last issue put to the jury would be
20 on the issue of litigation expenses. And there's a question
21 for each defendant that says, the defendant has or has not
22 acted in bad faith, been stubbornly litigious, or caused the
23 plaintiff unnecessary trouble and expense. So you would
24 answer that question as you would find to be appropriate under
25 the evidence in this case.

1 If at any time during your deliberations or
2 discussions you need to talk to me, then what I would ask you
3 to do is to write down a message or question, get the
4 attention of the court security officer who will bring it to
5 me. I'll respond as promptly as I can. That might be with a
6 written response. It possibly could be bringing you back into
7 the courtroom and giving you an answer in the courtroom if
8 that's necessary.

9 Please understand that I'll have to talk with the
10 lawyers and confer with them to allow them to have input on
11 the proper response to the question that you seek, and so it
12 may not be a really quick turn around but we'll -- the lawyers
13 are instructed to be close by so that it shouldn't take us too
14 long to get them together.

15 Let me caution you that if you do send me a note,
16 please do not indicate any of your preliminary voting, if
17 you've taken any, as to any of the claims or decisions you
18 have to make unless I specifically ask for that. And I likely
19 would not ask for that, at least preliminarily, early in your
20 deliberations. That type of information should remain with
21 you in the jury room and not shared with anyone, including me,
22 unless I request.

23 As I indicated yesterday, obviously you need to eat,
24 and so what we'll do is if you'll decide after you elect your
25 foreperson whether you want to eat in the room or whether you

1 want to eat downstairs as a group, it needs to be the same
2 decision, I suppose, because you need to stay together. If
3 you decide to eat downstairs, you'll be segregated from
4 everyone else, and you cannot talk about the case there. You
5 can only talk about the case while you're in the jury
6 deliberation room behind us. So if you want to deliberate,
7 then you go downstairs, get your lunch -- we'll escort you
8 down so that we can take care of the expense -- and bring it
9 with you back to your room.

10 Let me also tell you this: So, you know, obviously
11 you take your mask off to eat but you may choose -- I mean,
12 you should, I think, keep your mask on while you're
13 deliberating but, you know, I'm not the CDC police. I'm not
14 going to be controlling what happens in the jury deliberation
15 room.

16 If you want a little bigger area than we have in one
17 of the two deliberation rooms behind us, I can make this
18 courtroom available for you for your deliberation. We can
19 just clear everyone out of it. And if you notice, the windows
20 in the back are opaque so that no one can see through. We'll
21 lock the doors, and you can, you know, sit around the room and
22 talk more freely if you would like to do that. But,
23 otherwise, choose one of the deliberation rooms. I think one
24 is bigger than the other. And so until that new judge gets in
25 that other room and/or she's not using it, then it's available

1 for my juries as well.

2 So the lawyers will have to gather the evidence and
3 bring it to you. We'll have it to you probably by the time
4 you finish lunch.

5 The final thing I want to mention is the videos and
6 digital evidence that have been introduced will not go with
7 you to the jury deliberation room. It's just hard to manage
8 that. That would mean you would have to have a computer or
9 some way to display it. That doesn't mean that you can't
10 review it if you want. If you want to review any of that,
11 then you should let me know that.

12 We will bring you back to the courtroom, and then
13 we'll have one or the other side of the case to cue it up for
14 you at the appropriate point that you want to watch, and you
15 can watch it again. Not suggesting that you will need to
16 watch anything again, but, obviously, you'll have written
17 documentation with you, exhibits, and you won't have that.
18 And so I'm just explaining to you what the procedure will be
19 if you decide that you wish to see something again.

20 All right. Thank you, ladies and gentlemen. If
21 you'll go to jury room, elect your foreperson, and then enjoy
22 lunch however you decide that should go.

23 COURTROOM SECURITY OFFICER: All rise.

24 (Whereupon, the jurors exited the courtroom.)

25 THE COURT: All right. Thank you. Y'all can be

1 seated for just a moment. We'll take lunch in just a second.
2 But let me ask, does the plaintiff wish to put any exceptions
3 to the jury instructions on the record?

4 MR. PEQUIGNOT: No, your Honor.

5 MS. MOORE: No, your Honor.

6 THE COURT: Does defendant wish to put any exceptions
7 to the jury instructions on the record?

8 MS. IZMAYLOVA: No, your Honor.

9 THE COURT: I need y'all to make sure that all the
10 documents that you've tendered are put together. There were
11 two that Ms. Lee was asking about during the closing
12 arguments. Have you told them about those?

13 COURTROOM DEPUTY: They confirmed.

14 THE COURT: Okay. All right. So I don't really know
15 what to expect as far as doing videos. Since all of you
16 played what you thought, I guess, was the most important
17 videos during your closing, then that may not happen. But if
18 it does, then you need to be prepared to cue up whatever they
19 ask to be played.

20 I want to explain for the record the Court's
21 interruption of defense counsel. General protocol does not
22 allow lawyers to vouch for the evidence. It's a subtle
23 difference between arguing that the evidence has shown
24 something or hasn't shown something versus saying this is what
25 I believe. And it is statements of counsel's personal belief

1 which is not appropriate, as I understand case law really
2 uniformly around the country.

3 I recognize the plaintiff didn't object, but there
4 are strategic reasons why counsel will not object from time to
5 time. But I also think I have an independent duty to make
6 sure that improper argument is not made when it involves areas
7 that have been so clearly indicated are not appropriate. So I
8 tried to do it as less intrusive as I could, but I had to
9 speak up.

10 All right. Anything else we need to talk about
11 before lunch? Yes, ma'am.

12 MS. IZMAYLOVA: I just have a question. In regards
13 to the paper exhibits, are we able to take them out of the
14 binders that we provided for the witness stand?

15 THE COURT: However -- whatever you are -- I guess
16 I've got copies of everything either behind me of plaintiffs.
17 I've got the defendant's copies here. I'm not going to keep
18 these after the trial. So if y'all want to use those to put
19 together so there's a physical set to go with the jury, then
20 that's fine. But the physical set that goes with the jury
21 will be kept by the clerk and placed into the record, at some
22 point will be scanned into the record to be held by the clerk
23 when this case is transmitted to the Court of Appeals.

24 Any other questions? All right. So I'm going to ask
25 if y'all will be back available around 1:40. Take about 5 or

1 10 minutes to get your documents together, I suppose. Make
2 sure that Ms. Lee knows where you're going to be, both your
3 phone numbers and/or what rooms you're in -- she may already
4 know all of that -- so that if we have a question or if we
5 have a verdict, that we can get you back into the courtroom.

6 You do need to be prepared that if the jury finds for
7 the plaintiff on any of the claims and finds that attorneys'
8 fees or and punitive damages are appropriate, that we will
9 begin another section of the case. I will give each side 15
10 minutes to make an opening statement about that. I don't
11 really think you'll need that, but I'll give you that so that
12 you can kind of frame everything as it exists then.

13 And then we will follow in the new trial the same way
14 we have. The plaintiff will be able to introduce any evidence
15 or testimony that might be appropriate. The defendant will be
16 able to cross-examine and challenge, and when the plaintiff
17 has rested as to those claims, the defendant can do likewise
18 and introduce any evidence, testimony. And then when we're
19 finished, I will give you both an opportunity to have an
20 additional period of time to make closing arguments on it.

21 But understand the issue at that point in time is a
22 little different. The jury has already determined that those
23 claims are warranted by the evidence. Your argument is really
24 not that it's not warranted. The question is whether it
25 should or should not nonetheless be awarded and, if so, what

1 the proper amounts would be. Okay. Obviously, attorneys'
2 fees have got to be proven in some regards and litigation
3 expenses. All right. We'll see y'all at 1:40 or thereafter.
4 Thank you.

5 COURTROOM SECURITY OFFICER: All rise. Court stands
6 in recess.

7 (Whereupon, a recess was taken from 12:33 p.m. until
8 2:25 p.m.)

9 COURTROOM SECURITY OFFICER: All rise. This
10 honorable court is again in session.

11 THE COURT: All right. So we have a note from the
12 jury. I'm thinking this is Court's Exhibit 3, if I remember
13 correctly from earlier notes we had about jurors. For the
14 record the note says, were the test results of herpes
15 authenticated as part of admission to evidence?

16 And the proposed response that I've written out is
17 this: The medical tests were authenticated pursuant to the
18 Federal Rules of Evidence such that they were admitted by the
19 Court for you to consider as you decide the issues in this
20 case.

21 Plaintiff have any objection to that response?

22 MS. MATZ: I think the only thing that I would
23 consider adding to that is that they were -- because they were
24 certified by Certificate of Authenticity from UCLA as a
25 business record so maybe just adding that in that that is how

1 they were authenticated.

2 THE COURT: That's almost me commenting on how
3 reliable they are. I mean, you could have argued that. You,
4 you know, didn't do that. I don't feel comfortable telling
5 them why I admitted them. They were admitted. They're in.

6 I don't know if the question is going to the legal
7 authentication or go to some other, like, how reliable are
8 they kind of inquiry that the jury could make. But I haven't
9 seen them as an exhibit. Was the certification attached to
10 them?

11 MS. MATZ: No, because we argued it pretrial, and
12 your Honor actually told us that the certification wasn't
13 going to come in, it was only for authentication purposes,
14 which I'm just rereviewing the pretrial conference transcript
15 on this. And the other side -- what happened was the other
16 side had raised a potential objection. We read you the
17 business record certification. Your Honor noted that --

18 THE COURT: I'm sorry. You're talking a little bit
19 too fast for me with your mask on. So can you start that
20 over?

21 MS. MATZ: I'm sorry, your Honor. Do you want me to
22 take my mask down?

23 THE COURT: Come to the podium, if you would.

24 MS. MATZ: Okay. So, your Honor, I was just
25 rereviewing the pretrial conference transcript, and what had

1 happened was this was specifically the subject of one of the
2 defendant's motions in limine. We noted to the Court that we
3 had a Certificate of Authenticity. Under rule -- excuse me --
4 it's 9-02-11, which your Honor asked to see at the pretrial
5 conference because you were ruling on the objection, and you
6 had me read it into the record. And you noted that it
7 essentially tracked the statute verbatim.

8 Your Honor noted also that the certificate itself
9 wouldn't come in, but it was for the purpose of authenticating
10 the document. And based off of that, the other -- your Honor
11 allowed the other side to address their challenge by having a
12 subpoena sent to UCLA -- the records were returned to this
13 Court -- and that if there had been anything in there that was
14 inconsistent, your Honor was going to turn them over to the
15 other side. And following that happening, your Honor issued
16 an order that there was nothing in there that was helpful to
17 the defendants.

18 And I will note further when they were introduced at
19 trial, the other side allowed them in pursuant to, you know,
20 this entire discussion that we had.

21 THE COURT: Yeah, but, I mean, I'm not really
22 following -- you're saying that I said that the Certificate of
23 Authenticity doesn't come in?

24 MS. MATZ: Yeah. That's my understanding of the
25 pretrial transcript.

1 THE COURT: Do you actually have --

2 MS. MATZ: Yeah, I'm looking at it.

3 THE COURT: Can you read to me what I said?

4 MS. MATZ: Yeah, just give me one moment, your Honor.

5 I was just rereviewing this. Okay. So I had started by
6 saying it's 28 U.S.C. 1746. This is how declarations are
7 submitted. Usually in federal court people submit
8 declarations and certifications without notarization. You
9 said, yes, but declarations aren't admissible --

10 THE COURT: Slow down a little bit.

11 MS. MATZ: Sure. Yes, but declarations aren't
12 admissible at trial. Ms. Izmaylova said, right. The Court
13 said, declarations are like affidavits. They're not
14 admissible at trial, and I said, it's just a business records
15 certification. The Court, okay, so you're going to
16 business -- you have -- have you got the document? And I
17 said, yes, and Ms. Izmaylova said, it's not a certification of
18 a business record, your Honor.

19 Would you like me to just continue reading verbatim?
20 I'll get to it.

21 THE COURT: You were going so fast when you were
22 reading over what I said, but I haven't yet, I don't think,
23 heard you say that I said it's not going to come in, the
24 record itself. I know that's the argument she was making, and
25 I was asking questions about that argument. Did I say that

1 the certificates don't come in?

2 MS. MATZ: The quote I have from you, your Honor,
3 is -- and I'm just reading the transcript, and it wasn't a
4 question -- declarations are like affidavits. They're not
5 admissible at trial.

6 THE COURT: Say that -- read it one more time a
7 little slower.

8 MS. MATZ: Declarations are like affidavits. They're
9 not admissible at trial. And I'm reading from page 113, lines
10 9 through 10 of the transcript from November 9th, your Honor,
11 to the extent that you would like to review it yourself.

12 THE COURT: Okay. Go ahead. Was there anything else
13 important that I said?

14 MS. MATZ: You did note also after I read you the
15 declaration -- because you had me read it into the record, and
16 you noted that it seemed to track the statute perfectly. And
17 then I don't know if you want to hear the part about how you
18 dealt with the issue about the subpoena, but I'd be happy to
19 read that back to you as well, your Honor.

20 THE COURT: No, I don't know that that's -- I mean, I
21 remember how we had them sent here and all that. And as far
22 as what was actually presented as an exhibit in this case, it
23 was simply the results from both tests. I think they were
24 both from UCLA, weren't they?

25 MS. MATZ: Yes. So what was admitted in this case

1 was actually the appendix to the business records
2 certification.

3 THE COURT: Right.

4 MS. MATZ: And I have it. If the Court would like me
5 to email it to Ms. Lee, I do have it on my computer right now.

6 THE COURT: Okay. I think I've got everything I need
7 from you. Anything else from the defendant that you want to
8 comment on?

9 MS. IZMAYLOVA: No, your Honor. We don't have any
10 objection to the Court's proposed answer, but we do have an
11 objection to the plaintiff's proposed answer.

12 THE COURT: So as I sit here and consider the ruling
13 that I've apparently made at the pretrial hearing, I'm not
14 sure it was right, honestly, now. And the reason I don't know
15 that it was right was because, I mean, normally when you want
16 to authenticate a document in court, you do it with a witness
17 who lays the foundation in front of the jury. And the
18 affidavit is the substitute for that that the law specifically
19 allows.

20 But I do believe -- so I guess I'm saying I think
21 probably the certification should have been allowed in. Now,
22 notwithstanding that, though, I certainly am aware what the
23 defendant's argument is relative to these tests and, you know,
24 at least how they argued it in the closing argument. And I
25 don't think that argument really goes to that these documents

1 aren't genuine and real.

2 There are a lot of possibilities, you know, like, for
3 example, someone else presented themselves in place of the
4 plaintiff and took the test. And so when the names with the
5 aliases were recorded, it might have been a real test of a
6 real person but not a test to the plaintiff. I think that's
7 highly unlikely, honestly, under the scenario because the
8 subpoenas themselves were addressed to the plaintiff's name as
9 opposed to, at least the second one, and not the aliases. I'm
10 not sure anybody would have known the aliases other than the
11 plaintiff who may have known them.

12 The question the jury, though, has asked me is have
13 they been authenticated, and the answer to that is yes. And
14 that is what I think this says, the medical tests, my proposed
15 instruction, the medical tests were authenticated pursuant to
16 the Federal Rules of Evidence such that they were admitted by
17 the Court for you to consider as you decide the issues in this
18 case.

19 So while I recognize, I think in hindsight, that I
20 should have allowed the certificates to come in, I think I
21 answered the question. The question is probably not as
22 nuanced as we might think it is as lawyers, but I do think
23 this answers it. So I think I'm going to send out what I've
24 proposed as Court's Exhibit 4 to answer their question.

25 I'm not going to introduce anything -- even if I've

1 made a mistake in not allowing the certificates to go in, I
2 don't think I can really open the evidence at this point and
3 let it go forward.

4 MS. MATZ: Is there any way, your Honor -- and I'm
5 sorry. Would you mind if I just make one suggestion?

6 THE COURT: Sure.

7 MS. MATZ: Is there any way that you could at least
8 tell the jury that it was as a result of a pretrial ruling so
9 that they understand that this was something that happened
10 outside of their presence?

11 THE COURT: Affidavits themselves don't really mean
12 anything to them more so than -- the affidavit is just a key
13 to get things introduced, and I don't think that their lack of
14 knowledge that it came with an affidavit really would mean
15 anything because, you know, we're not dealing with -- I mean,
16 there's not a lawyer in the bunch.

17 So I don't think this is as big of an issue as it
18 might seem sitting here right now, but I think I'm going to
19 leave -- I'm reluctant to open the -- look, from the
20 plaintiff's standpoint, probably the best thing is that I left
21 it out. If something doesn't go quite right from the
22 plaintiff's perspective, you know, this is something that
23 plaintiff could talk about on appeal. I just don't think I
24 can open the evidence after closing to put something new in.
25 So one lawyer. I'm sorry.

1 MS. MATZ: I think what Ms. Moore was going to say is
2 that I completely hear what you're saying. I do think there
3 is at least one juror that does work for a law firm, and so
4 just to the extent that that was -- that was part of the
5 reason I suggested maybe you could say something about the
6 pretrial order.

7 THE COURT: Okay. All right. Was that what you were
8 going to say, Ms. Moore?

9 MS. MOORE: Yes, your Honor. During --

10 THE COURT: Okay. Wow. Y'all have got an
11 incredible --

12 MS. MATZ: We share headphones.

13 THE COURT: Oh, okay.

14 MS. MOORE: We do. Yes, your Honor, Juror No. 3 is
15 the juror that works at a law firm.

16 THE COURT: Well, then this answer that I'm giving
17 her will then probably mean to her what it means to us then,
18 and she will undoubtedly share that with the jury. And I
19 don't know if I commented earlier maybe at one of our
20 meetings, when y'all were sitting there with two headphones on
21 like teenagers, you know, both listening to some jam up
22 song -- I think I wrote that down to make that comment later.
23 That's what it reminds me of. I've seen that plenty of times,
24 teenagers doing that.

25 In any event, I think this answer will work fine, so

1 this is what I'm going to send.

2 MS. MATZ: So does it just get sent to them or does
3 it have a --

4 THE COURT: We'll make a copy that we'll send them,
5 and we'll keep a copy for the clerk's record.

6 MS. MATZ: Okay. Thank you, your Honor.

7 THE COURT: And we'll give a copy to you as well.

8 MS. MATZ: Wonderful.

9 THE COURT: Okay. All right. Thank you. Y'all just
10 stay pretty close.

11 MS. MATZ: Thank you, your Honor.

12 MS. IZMAYLOVA: Thank you.

13 COURTROOM SECURITY OFFICER: All rise. Court stands
14 in recess.

15 (Whereupon, a recess was taken from 2:40 p.m. until
16 3:20 p.m.)

17 COURTROOM SECURITY OFFICER: All rise.

18 THE COURT: So is your client going to come or no?
19 Do you want me to wait for your client?

20 MS. MATZ: No, not unless the -- if this is just
21 about the jury question, we don't need to.

22 THE COURT: Yeah, that's all it is.

23 MS. MATZ: Okay. Thank you, your Honor.

24 MS. MOORE: Oh, yes. Thank you, your Honor.

25 THE COURT: Okay. So the new note that you should

1 have from the jury, which we'll mark as Court's Exhibit 5, is:
2 Does the Court have the authority to order the take, maybe
3 down, but take of the videos based on the outcome of this
4 case?

5 The proposed response that I would have for the jury
6 is this: Decisions about whether or to what extent either
7 party should be ordered to do something or prohibited from
8 doing something are not issues for the jury but are reserved
9 solely to the judge to decide.

10 I can't really answer their question. I don't think
11 my decision, the authority -- and obviously this is -- there's
12 an objectionable question in this case, but that's not really
13 an issue for them and it shouldn't be a consideration for them
14 as to whether or not there's liability or not.

15 In other words, I don't think it's my role to tell
16 the jury that this is what has to happen for me to take that
17 action or this is what I have to see to take that action or at
18 all what my thinking is in that regard. So it's just not a
19 jury issue as far as I know.

20 MS. MATZ: So, your Honor, I think I agree it's not
21 an issue that's necessarily in front of the jury, but at the
22 same time I think perhaps addressing it in a way that makes
23 clear that equitable relief, people doing something or not
24 doing something is a decision that gets made after liability
25 and is the Court's decision. I mean, that is the truth, and

1 you're not necessarily saying what you would or wouldn't do
2 because that would be a decision for the Court to make. But
3 there would have to be a finding on liability first.

4 THE COURT: Yeah, but that's not their -- they should
5 not decide the issue of liability in hopes that an injunction
6 should issue. They already have the means to find for the
7 plaintiff and not order damages of any significant amount. I
8 mean, they've been charged on nominal damages.

9 The instruction, in fact, says that if you
10 find for -- I'm paraphrasing right now. But that if you find
11 for liability, the plaintiff is at least entitled for nominal
12 damages. As far as I know, that opens the door then for
13 punitive -- not punitive, but opens the door for injunctive
14 relief regardless of what amount of damages the plaintiffs
15 might recover and maybe in this case more than perhaps any
16 other case I've ever seen with the testimony that we have here
17 about the defendant's future intentions relative to her
18 activity.

19 So I don't think I need to tell them or should tell
20 them that it is the issue of punitives -- excuse me -- the
21 issue of injunctive relief is dependent upon their decision
22 because if their decision was otherwise, if there was no
23 liable but that we still want the videos taken down and I were
24 to tell them essentially that that it is dependent upon or
25 their decision factors into whether or not I have the

1 authority, that could result in a decision on liability that
2 is not warranted in how they were thinking but is tailored to
3 get to the injunctive relief. That's why I don't think I can
4 do that.

5 MS. MATZ: Okay. I think that the instruction you
6 read, and in light of what you just said, I think that that
7 makes some sense.

8 THE COURT: All right.

9 MS. MATZ: Thank you, your Honor.

10 THE COURT: Does the defendant agree with what I've
11 proposed?

12 MS. IZMAYLOVA: The defendant does agree with the
13 Court.

14 THE COURT: Okay. So we'll send that out as Court's
15 Exhibit 6.

16 MS. IZMAYLOVA: Thank you, your Honor.

17 MR. SABBAK: Thank you, Judge.

18 MS. MATZ: Thank you, your Honor.

19 MS. MOORE: Thank you, your Honor.

20 COURTROOM SECURITY OFFICER: All rise. Court stands
21 in recess.

22 (Whereupon, a recess was taken from 3:25 p.m. until
23 4:15 p.m.)

24 COURTROOM SECURITY OFFICER: All rise. This
25 honorable court is again in session. Please be seated and

1 come to order.

2 THE COURT: All right. So the court security
3 officers have told me that we have a verdict. In federal
4 courts you don't normally get a lot of spectators because a
5 lot of what we do is just not that much of interest to people.
6 But in this case that hasn't been the case, and I know there's
7 at least a couple of folks blogging regularly about our
8 activities today and others of you that are here interested.

9 My judicial assistant was sitting in the back of the
10 courtroom this morning listening to closing arguments, and one
11 of the things that she told me was that there was quite a bit
12 of chatter in the back by spectators. I couldn't hear it, but
13 that doesn't mean that the jury couldn't hear it or that
14 others couldn't hear it.

15 But it's important, whatever the jury's decision,
16 that there be no audible conversation or reaction from the
17 jury. That is particularly true if the plaintiff were to
18 prevail because this jury is not yet completed with the case.
19 So they have more to do, which may very well disappoint them
20 given the time of the day. I'm sure they are hopeful that
21 they're done, but that's why it's important that you not make
22 any comments or statements or have any type of reaction
23 because it's just like we're in the middle of the case. There
24 will be more argument made by counsel and more testimony to be
25 offered, and the case would still be ongoing.

1 The same is true if it's for the defendant, not that
2 the case would be continuing, but it's just not appropriate.
3 This is not an appropriate place for people to either cheer or
4 jeer depending on their outcome of the result. It would be
5 interpreted by me to be in direct contravention to the
6 instructions that I'm giving you. And anybody who can't
7 follow those instructions would be subject to being held in
8 contempt, so I ask that y'all keep that in mind.

9 All right. If we could ask the jury to come back,
10 please.

11 COURTROOM SECURITY OFFICER: All rise.

12 (Whereupon, the jurors entered the courtroom.)

13 COURTROOM SECURITY OFFICER: Please be seated and
14 come to order.

15 THE COURT: All right. Thank you. Mr. Dorsey? Are
16 you Mr. Dorsey?

17 THE JUROR: Yes.

18 THE COURT: Mr. Dorsey, are you the foreperson of the
19 jury?

20 THE JUROR: Yes.

21 THE COURT: Has the jury reached a unanimous verdict
22 as to all counts of the complaint against the defendant?

23 THE JUROR: Yes.

24 THE COURT: If you could hand the verdict form to the
25 court security officer, please. Thank you.

1 All right. So this is the jury's verdict in Case
2 No. 19-CV-1301: We, the jury, make the following findings
3 regarding the defendants' liability for the plaintiff's
4 claim -- for the plaintiff's defamation claim: As to
5 Defendant Latasha Kebe, liable. As to Defendant Kebe Studios
6 LLC, liable.

7 We, the jury, make the following findings regarding
8 the defendants' liability for the plaintiff's invasion of
9 privacy - false light claim: As to Defendant Latasha Kebe,
10 liable. As to Defendant Kebe Studios LLC, liable.

11 We, the jury, make the following findings regarding
12 the defendants' liability for the plaintiff's intentional
13 infliction of emotional distress: As to Defendant Latasha
14 Kebe, liable. As to Defendant Kebe Studios LLC, liable.

15 We, the jury, under damages, we, the jury, find the
16 plaintiff has proven, by a preponderance of the evidence, that
17 she is entitled to recover damages.

18 We, the jury, award the plaintiff damages in the
19 following amounts: \$1,000,000 in general pain and suffering
20 and reputational injury. \$250,000 in medical expenses for a
21 total of \$1,250,000.

22 We, the jury, make the following findings regarding
23 joint and several liability: The plaintiff has proven, by a
24 preponderance of the evidence, that the defendants are jointly
25 and severally liable for the damages awarded, if any.

1 We, the jury, make the following findings regarding a
2 possible award of punitive damages: As to Latasha Kebe, the
3 plaintiff has proven, by clear and convincing evidence, that
4 Defendant Latasha Kebe's actions showed willful misconduct,
5 malice, fraud, wantonness, oppression, or entire want of care
6 which would raise the presumption of conscious indifference to
7 the consequences.

8 The plaintiff has proven, by clear and convincing
9 evidence, that Defendant Latasha Kebe acted with specific
10 intent to cause harm.

11 As to Defendant Kebe Studios LLC, the plaintiff has
12 proven, by clear and convincing evidence, that Defendant Kebe
13 Studios LLC's actions showed willful misconduct, malice,
14 fraud, wantonness, oppression, or entire want of care which
15 would raise the presumption of conscious indifference to
16 consequences.

17 The plaintiff has proven, by clear and convincing
18 evidence, that Defendant Kebe Studios LLC acted with specific
19 intent to cause harm to the plaintiff.

20 As to litigation expenses, we, the jury, make the
21 following findings regarding a possible award of attorney's
22 fees and expenses: Defendant Latasha Kebe has acted in bad
23 faith, been stubbornly litigious, or has caused the plaintiff
24 unnecessary trouble and expense.

25 Defendant Kebe Studios has acted in bad faith, been

1 stubbornly litigious, or caused the plaintiff unnecessary
2 trouble and expense.

3 So say we all, 24 January 2022.

4 Sir, if you would please publish or show the verdict
5 first to plaintiff's counsel and then to defendants' counsel.

6 (Complies.)

7 THE COURT: Any objection to the form of the verdict
8 from the plaintiff?

9 MS. MATZ: No, your Honor.

10 THE COURT: Any objection to the form of the verdict
11 from the defendants?

12 MS. IZMAYLOVA: No, your Honor.

13 THE COURT: Any further inquiry of the jury needed?
14 And I ask this to defendants as to the verdict that's been
15 rendered at this point.

16 MS. MATZ: No, your Honor, not from plaintiff.

17 MS. IZMAYLOVA: We would poll the jury, your Honor.

18 THE COURT: Ladies and gentlemen, I'm going to poll
19 each of you, meaning I'm going to ask you a series of three
20 questions, and the questions will be whether the verdict, as
21 announced in court, was the unanimous verdict of the jury in
22 the jury room, whether it was your verdict, and whether it
23 remains your verdict. So I'll just call you out by number and
24 name and ask you those three questions.

25 Juror No. 2, Kiplyn Lewis, if you'll raise your hand.

1 Ms. Lewis, was the verdict as announced in court the unanimous
2 verdict of the jury in the jury room?

3 THE JUROR: Yes, Judge.

4 THE COURT: Was it your verdict?

5 THE JUROR: Yes, Judge.

6 THE COURT: Does it remain your verdict?

7 THE JUROR: Yes, sir.

8 THE COURT: Mr. Dorsey, sir, was the verdict as
9 announced in court the unanimous verdict of the jury in the
10 jury room?

11 THE JUROR: Yes.

12 THE COURT: Was it your verdict?

13 THE JUROR: Yes.

14 THE COURT: Does it remain your verdict?

15 THE JUROR: Yes.

16 THE COURT: Juror No. 14, Rose Kopanski. I think I'm
17 pronouncing it --

18 THE JUROR: Kopanski.

19 THE COURT: Okay. I was close then. Ms. Kopanski,
20 is the jury verdict, as announced in court, was that the
21 unanimous verdict of the jury in the jury room?

22 THE JUROR: Yes, sir.

23 THE COURT: Was it your verdict?

24 THE JUROR: Yes, sir.

25 THE COURT: Does it remain your verdict?

1 THE JUROR: Yes, sir.

2 THE COURT: Ms. Richardson was excused; right? Okay.
3 Ms. Rodriguez, Juror No. 16, was the verdict as announced in
4 court the unanimous verdict of the jury in the jury room?

5 THE JUROR: Yes, sir.

6 THE COURT: Was it your verdict?

7 THE JUROR: Yes, sir.

8 THE COURT: Does it remain your verdict?

9 THE JUROR: Yes, sir.

10 THE COURT: Ms. Garcia?

11 THE JUROR: Yes.

12 THE COURT: Ms. Garcia, was the verdict as announced
13 in court the unanimous verdict of the jury in the jury room?

14 THE JUROR: Yes, sir.

15 THE COURT: Was it your verdict?

16 THE JUROR: Yes, sir.

17 THE COURT: Does it remain your verdict?

18 THE JUROR: Yes, sir.

19 THE COURT: Ms. O Bearden? Ms. O Bearden, was the
20 verdict as announced in court the unanimous verdict of the
21 jury in the jury room?

22 THE JUROR: Yes, sir.

23 THE COURT: Was it your verdict?

24 THE JUROR: Yes, sir.

25 THE COURT: Does it remain your verdict?

1 THE JUROR: Yes, sir.

2 THE COURT: Mr. Sapp? Was the verdict as announced
3 in court the unanimous verdict of the jury in the jury room?

4 THE JUROR: Yes, sir.

5 THE COURT: Was it your verdict?

6 THE JUROR: Yes, sir.

7 THE COURT: Does it remain your verdict?

8 THE JUROR: Yes, sir.

9 THE COURT: I believe that was everyone; right?
10 Now, sir, juror number again?

11 THE JUROR: 13.

12 THE COURT: I'm sorry. You were included among a
13 bunch of people that had been struck, so I overlooked you.
14 Mr. Dukes; right?

15 THE JUROR: Yes.

16 THE COURT: Mr. Dukes, was the verdict as announced
17 in court the unanimous verdict in the jury room?

18 THE JUROR: Yes, sir.

19 THE COURT: Was it your verdict?

20 THE JUROR: Yes, sir.

21 THE COURT: Does it remain your verdict?

22 THE JUROR: Yes, sir.

23 THE COURT: All right, ladies and gentlemen. I wish
24 we were at a point where I could tell you that we were
25 finished with you, but we're not. I'm not sure if you

1 suspected it or not, but there do remain two issues that are
2 open. And those issues are what amount, if any, of punitive
3 damages might be awarded against either or both of the
4 defendants, as well as what amount of litigation expenses
5 might be awarded against either or both of the defendants.

6 Each side has the opportunity in this second phase of
7 the trial, which I promise you won't be two weeks and one day,
8 but they have an opportunity to make a short opening statement
9 to you. They have an opportunity to present any evidence to
10 you that would be relevant to those two basic issues. They
11 would also have the opportunity under the law to make a
12 shorter brief closing argument as well.

13 It's 4:30. I don't believe we could do it today and
14 be finished by 5:00. So if it was 3:30, I would probably ask
15 the lawyers outside of your presence how long they would
16 expect their presentation to last, but it's just really not
17 fair to them or to any of you that need to be on your way at
18 5:00-ish to even attempt to try to do that today. So I do
19 regret that you'll have to come back tomorrow for that.

20 So we can certainly have an opportunity to talk more
21 when the case is over with about any questions you may have
22 had and to properly thank you for your service. But it's not
23 quite over, and I do need you an additional day. My
24 expectation is that we will be able to likely do this in the
25 morning and be done with it midday, but I'll ask if you will

1 take your notes with you, leave those in the jury deliberation
2 room, come back in the morning for this second phase of the
3 trial.

4 I feel certain that the parties will be as succinct
5 as possible. Not a secret, I don't think, based on what you
6 would suspect, that there has been a lot written about this
7 case in the press, certainly in the new media that we live
8 with today. And there will be a lot written tonight, and
9 there certainly will be a lot written after tomorrow as well.
10 But you are still subject to the restrictions that you not
11 read or discuss the case with anyone. And you obviously have
12 made some decisions, but you haven't made all of them. And
13 there's a few more that you need to make.

14 So I want that decision to be only based on what
15 you've heard in the courtroom. Obviously, you've talked about
16 the case, and so that's a little different than perhaps any
17 other day. But you should also not, outside of the
18 negotiations and deliberations you've already had, you should
19 not talk about the case any further until tomorrow when the
20 case is given back to you to make these final two decisions.

21 So I will see you in the morning. I'm going to ask
22 if you'll be back at 9:30. Thank you.

23 COURTROOM SECURITY OFFICER: All rise.

24 (Whereupon, the jurors exited the courtroom.)

25 THE COURT: Y'all have a seat, please. So I don't

1 plan on making any preliminary instructions from the court
2 tomorrow morning. What I would plan to do is start with your
3 opening argument on this -- or opening statement at this phase
4 of the trial at 9:30, give each of you 15 minutes. Then we'll
5 immediately start with the -- whatever evidence that the
6 plaintiff wishes to introduce and followed by the defendant.

7 And then we'll go to closing arguments, which I
8 intend to give you 20 minutes, I think, on those two issues,
9 that 15 and 20 should be plenty of time for you to make your
10 arguments. The bulk of the case has been decided at this
11 point anyway.

12 I would like some estimation about how long your side
13 of the evidence might take. Anyone on the plaintiff want to
14 suggest how long you think your presentation of evidence might
15 be?

16 MS. MATZ: Your Honor, I think we're probably talking
17 about an hour or two tops, and it may be potentially shorter
18 than that.

19 THE COURT: I'm sorry. An hour or two tops?

20 MS. MATZ: Yeah, tops, and we'll try to make it as
21 brief as possible.

22 THE COURT: Okay. How about from the defendant? Not
23 counting arguments but just evidence.

24 MS. IZMAYLOVA: I don't know, probably same.

25 THE COURT: Okay. Well, yeah, just be prepared to

1 complete the case tomorrow. I don't think that -- I mean, the
2 jury deliberated today, you know, three hours and a half or
3 so. If we take the lunchtime out of it, maybe four and a half
4 hours. The deliberation on attorneys' fees and punitive
5 damages will be rather quick, based on my experience. You
6 know, obviously every case is different, and maybe that won't
7 be the case. But that's what I expect.

8 I have a couple of pages of instructions that we've
9 prepared that I will give on punitive damages and attorney's
10 fees. It's not a lot. It's really basically the statute.
11 Don't leave until you have a copy of that today.

12 There are obviously going to be other issues to
13 discuss in this case post trial. Two come to mind.
14 Obviously, one is going to be the plaintiff's request for
15 injunctive relief. I don't expect that we'll have that
16 discussion tomorrow. I think it's something that both sides
17 will need to brief for me, and we would have a hearing at a
18 future date. Not in the distant future but, you know,
19 probably late February about what any injunction might look
20 like if there is going to be one.

21 You know, just looking at the verdict, you know, I've
22 got some questions about the medical expenses, whether or not
23 there's evidence to support a \$250,000 award, and so we'll
24 need to talk about that as well as part of any post trial
25 motions that are filed. And y'all might be able to talk about

1 that one and agree as to what it might look like in the
2 judgment. But you might not be able to, so we'll just deal
3 with that in the future. But we don't need to deal with that
4 tonight or tomorrow.

5 Anything else we need to talk about this evening?

6 MS. MATZ: Not that I'm aware of, your Honor.

7 THE COURT: Anything else from the defendant?

8 MS. IZMAYLOVA: No, your Honor.

9 THE COURT: Okay. All right. Thank you. We'll see
10 you tomorrow.

11 COURTROOM SECURITY OFFICER: All rise. This Court
12 stands in recess.

13 (Whereupon, the proceedings were adjourned at 4:40
14 p.m.)

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REPORTERS CERTIFICATE

I, Wynette C. Blathers, Official Court Reporter for the United States District Court for the Northern District of Georgia, with offices at Atlanta, do hereby certify:

That I reported on the Stenograph machine the proceedings held in open court on January 24, 2021, in the matter of BELCALIS MARLENIS ALMÁNZAR v. LATASHA TRANSRINA KEBE and KEBE STUDIOS LLC, Case No. 1:19-CV-01301-WMR; that said proceedings in connection with the hearing were reduced to typewritten form by me; and that the foregoing transcript (Volume IX of X, Pages 1 through 125) is a true and accurate record of the proceedings.

This the 27th day of February, 2022.

/s/ Wynette C. Blathers, RMR, CRR
Official Court Reporter